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NO. 12

MEMPHIS TO HAVE OUT-DOOR SUMMER OPERA

Plans for the Presentation of Outstanding Productions Are Being Worked Out

MEMPHIS, Tenn., May 24.—Summer opera in the beautiful new out-door theater in Overton Park is practically assured under arrangements now being completed by the Memphis Open-Air Theatre, Inc. Plans for the presentation of outstanding productions are being worked out along the same lines as have proved successful in St. Louis and other cities where summer shows are being staged.

With the Memphis Junior Chamber of Commerce providing the spark and enthusiasm practically every civic and business leader in the city is giving the project full co-operation. When proper details are arranged a large pit orchestra will be employed, and officers of the Memphis Federation of Musicians are working in close harmony with the officials in charge of the project.

At the very start of the promotion two Memphis newspapermen, Harry Martin, assessments editor of the *Commercial Appeal*, and Jack Bryan, dramatic critic of the *Memphis Press-Scimitar*, were sent to New York to contact producers and make satisfactory arrangements to get songs, talent and costumes.

Through the assistance of Fortune Gallo, head of the San Carlo Opera Company, and John Shubert, as well as a number of others in the metropolis, the two emissaries were able to make arrangements which would have been practically impossible under ordinary circumstances.

The operas to be produced this season, starting Monday, July 4, and operating five days a week, are as follows: "Desert Song," "Sally," "My Maryland," "Kathleen," "The Count of Luxembourg."

Auditions to line up the best available talent in the mid-south are being held three times a week and rehearsals are now getting under way. The plan announced by the control committee of The Memphis Open-Air Theatre was a very simple one and met the immediate approval of the citizens of Memphis.

Season tickets of six admissions good for one or any of the five operas are now sold and the revenue obtained is being used in trust to assure operation and production of the shows. Patron members are being signed up and anyone who purchases two tickets is entitled to the best choice of reserved seats. In addition charter members are being enrolled. A charter member is one who sells or purchases 10 of the season tickets.

Season tickets are priced at \$1.00, 75c, 50c and

25c will be charged for the operas. The popularity of the project was considerably enhanced when Edward Hull Crump accepted the chairmanship of the Good-Will Committee. This committee will see to it that orphans and underprivileged children have opportunity to see all the shows free.

Charter groups of the Memphis Open-Air Theatre, Inc., are being set up in all towns within 150 miles of Memphis and the retail merchants, banks and hotels are actively co-operating, realizing the good such a project can do by attracting large groups of people to Memphis.

Charles Glascock, who just recently

MANY CITIES ORGANIZE TO AID CHINESE CIVILIANS

WASHINGTON, D. C.—As additional cities in many sections reported the organization of united councils to push work for the relief of Chinese civilians, Labor's Committee for Civilian Relief in China fired its first big gun of the Washington campaign with a one-hour broadcast over an inter-city network.

The program, broadcast from the dining room of the Ambassador Hotel, dramatized in exciting fashion the highlights of the tragic conflict in China. Colorful flash reenactments of incidents in the war were a feature of the program, which included appeals for Chinese relief from leaders of labor, professional, business and social groups.

Washington's Chinatown joined in the search for chopsticks to grace the Ambassador party. No Chinese import house carried enough chopsticks to fill the bill. Under the direction of Mrs. Rosey Lee, a chopstick searching party was immediately arranged. Within 24 hours over 300 pairs of chopsticks were found and donated to the United Council for Civilian Relief in China.

The Chinese people of Washington volunteered every possible assistance and expressed the deepest gratitude for the work that is being done by Labor's Committee.

Progressive Miners of America, Gillespie, Ill., informed Labor's Committee that a Bowl of Rice Ball could not be held in



SHELL AND STADIUM IN OVERTON PARK, MEMPHIS, TENNESSEE

was voted Memphis' No. 1 citizen, was elected president of the corporation and is giving freely of his time and ability to place the Memphis Open-Air Theatre on a sound basis. Under the present arrangement if any profits accumulate the first season, a fund will be created and the money used to perpetuate summer shows in Memphis.

With the splendid spirit being shown by everyone, there is a positive feeling that Memphis will now join with other progressive cities in the country in producing summer operas. In fact the Memphis Open-Air Theatre is adjudged one of the finest of its kind in the country.

this community on June 17, but enclosed was a check for \$200.00 made up of voluntary donations from their memberships to be forwarded to the victims of Japanese aggression in China.

This week Birmingham and Mobile, Ala.; Chicago, Ill.; New Orleans, La., and St. Louis, Mo., and scores of smaller towns throughout the United States, reported the complete organization of United Councils for Civilian Relief in China.

In this drive labor has taken the lead. From the results already reported there is every evidence to believe that the nation-wide Bowl of Rice Party scheduled for June 17 will be successful, and that substantial aid will be received for the suffering millions in China.

REMINGTON-RAND MUST REINSTATE 4,000 WORKERS

Supreme Court Upholds NLRB Order to Reinstate American Federation of Labor Workers.

WASHINGTON, D. C.—The next to the last meeting of the Supreme Court before the end of the term beginning in October, 1937, was a field day in many respects. The court refused to review the orders of the National Labor Relations Board to three labor baiting employing corporations. It pared a sizable slice off the field exempt from Federal taxes. It vacated an injunction issued by the good old "Methusalem Court" restraining an investigation by the Federal Power Commission; and it heard arguments on that court's performance in refusing to let the NLRB withdraw its order in the Republic Steel case.

The big thing from the labor point of view was the Remington Rand case. The NLRB ordered the Remington Rand to offer reinstatement to 4,000 American Federation of Labor workers who went out in the strike of 1936, in which the company employed four notorious strikebreaking agencies and worked out the "Mohawk Valley" formula for strikebreaking. The company appealed to the Circuit Court, which upheld the board. With the Supreme Court refusing a review, Remington Rand has the pleasure of squaring things with 4,000 workers.

(Continued on Page Three)

24TH LABOR CONFERENCE ASSEMBLES AT GENEVA

Over 400 Delegates From Most of the 60 Nations Will Attend the Conference—To Last Three Weeks.

GENEVA—More than 400 delegates and advisers, from most of the sixty nations having membership in the International Labor Organization, will assemble in Geneva June 2 for the opening of the 24th session of the International Labor Conference. The Conference will last about three weeks.

Only one of the six items on the agenda will be disposed of finally this year. That has to do with "Statistics of hours and wages in the principal mining and manufacturing industries, including building and construction, and in agriculture." In this connection the Conference will be asked to consider the advisability of adopting international regulations whereunder States subscribing to them will undertake to compile—at intervals and in the manner indicated—statistics relating to hours of work in these industries, and to publish and communicate such information to the International Labor Office as soon as possible.

All of the other five items will come up for preliminary discussion this year, and for final discussion at the 1939 Conference. These items are:

Regulation of hours of work and rest periods for professional drivers (and their assistants) of vehicles engaged in road transport.

Generalization of the reduction of hours of work.

Technical and vocational education and apprenticeship.

(Continued on Page Seven)

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CHARTERS ISSUED

- 582—El Dorado, Ark.
- 583—Eldorado, Ill.
- 584—Athens, Ga.
- 591—Port Arthur-Fort William, Ont., Canada.
- 597—Barnesville, Ohio.

CONDITIONAL MEMBERSHIP ISSUED

- A 870—Donald Perry.
- A 871—James M. Kennedy.
- A 872—Josephine DeMattia.
- A 873—Mickey Conte (renewal).
- A 874—Frankie Pagano (Little).
- A 875—Shirley W. Harriss (renewal).
- A 876—Frank Fox.

CONDITIONAL TRANSFER CARD ISSUED

- 299—F. Frank Milligan.

WANTED TO LOCATE

Anyone knowing the whereabouts or local in which William (Bill) Culbreth, pianist, holds membership, kindly write the National Secretary, Fred W. Birnbach, 39 Division St., Newark, N. J.

DEFAULTERS

Bland's Night Club, Pittsburgh, Pa., is in default of payment of \$452.00 due members of the A. F. of M. for services rendered.

Jay Theatres, Inc., New York, N. Y., is in default of payment of \$762.00 due members of the A. F. of M. for services rendered.

Wendell P. Dodge and the London Intimate Opera Company, New York, N. Y., are in default of payment of \$525.00 due members of the A. F. of M. for services rendered.

Henry Solomonoff and the American Negro Ballet, New York, N. Y., are in default of payment of \$16.00 due members of the A. F. of M.

Dick Brackob, Leopold, Wis., is in default of payment of \$14.00 due members of the A. F. of M. for services rendered.

Emile's Catering Company, Phoenix, Ariz., is in default of payment of \$775.50 due members of the A. F. of M.

Pete Galatis, manager, International Restaurant, Miami Beach, Fla., is in default of payment of \$387.00 due members of the A. F. of M. for services rendered.

John F. Gibbons, manager, Club Palorama, Schenectady, N. Y., is in default of payment of \$1,190.00 due members of the A. F. of M. for services rendered.

Howard Harding, Indianapolis, Ind., is in default of payment of \$250.00 due members of the A. F. of M.

E. H. Shults and the George King Productions Company, Buffalo, N. Y., are in default of payment of \$300.00 due members of the A. F. of M.

Alex Moinioux, Utica, N. Y., is in default of payment of \$167.00 due members of the A. F. of M. for services rendered.

Harold Mason, proprietor, Club Astoria, Baltimore, Md., is in default of payment of \$420.00 due members of the A. F. of M. for services rendered.

Chauncey A. Hyland, New Orleans, La., is in default of payment of \$650.00 due members of the A. F. of M. for services rendered.

DeWitt Music Corporation, U. H. Maxey, president, and C. Coates, vice-president, Norfolk, Va., is in default of payment of \$55.00 due members of the A. F. of M. for services rendered.

Members: M. M. McKinley and Otto Mack-

ler of La Crosse, Wis., are in default of payment of \$97.50 due members of the A. F. of M. for services rendered.

Metropolitan Theatre, Boston, Mass., is in default of payment of \$7,600.00 due members of the A. F. of M.

Jay Faggen of New York, N. Y., is in default of payment of \$999.11 due members of the A. F. of M. for services rendered.

H. R. Graham of Fairmont, Minn., is in default of payment of \$60.00 due members of the A. F. of M. for services rendered.

George Ferrell of Durham, N. C., is in default of payment of \$125.00 due members of the A. F. of M. for services rendered.

Company A, 108th Infantry, New York National Guard of Watertown, N. Y., is in default of payment of \$100.00 due members of the A. F. of M. for services rendered.

Lee Rainey, manager, Cotton Club, Cincinnati, Ohio, is in default of payment of \$274.00 due members of the A. F. of M. for services rendered.

The Coconut Grove, Philadelphia, Pa., J. Toland and M. Cohen, managers, is in default of payment of \$317.00 due members of the A. F. of M. for services rendered.

The Longview-Kelso Rodeo Association, Longview, Wash., is in default of payment of \$100.00 due members of the A. F. of M. for services rendered.

Hared Productions Corporation, owner of Werba's Brooklyn Theatre, Brooklyn, N. Y., is in default of payment of \$177.00 due members of the A. F. of M. for services rendered.

Bert Lee of Sacramento, Calif., is in default of payment of \$472.80 due members of the A. F. of M. for services rendered.

REMOVED FROM FORBIDDEN TERRITORY

Lodge Night Club, Tucson, Ariz.

NOTICE!

To All Locals and Members of the Federation:

Local 802, New York, N. Y., has been granted an extended jurisdiction by the International Executive Board to include Suffolk County, Long Island. Locals are therefore advised that the extended jurisdiction of Local 802 now includes all of Greater New York and all of Long Island. FRED W. BIRNBACH, Secretary, A. F. of M.

THE DEATH ROLL

- Baltimore, Md., Local No. 40—Richard F. Jarboe, William H. Schwartz.
- Boston, Mass., Local No. 9—Edward Tracy, Charles F. Barbera.
- Buffalo, N. Y., Local No. 43—Charles Frank.
- Chicago, Ill., Local No. 10—Charles W. Ernst, Jacob Segal, Isidore Chmela, James Morris Roberts, William I. Friedman.
- Cincinnati, Ohio, Local No. 1—Joe Leichman.
- Dallas, Texas, Local No. 168—Lawson Brooks, Kent B. Gage.
- Dayton, Ohio, Local No. 101—Otto Nieriker.
- Detroit, Mich., Local No. 5—Henry C. Fomish.
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- Los Angeles, Calif., Local No. 47—Joe Vogelsang.
- Minneapolis, Minn., Local No. 73—A. M. Brakke, Frank E. Chermak.
- Morristown, N. J., Local No. 177—Geo. Hughes.
- Newark, N. J., Local No. 16—James Zito, Joseph Vogt, Sr.
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- Philadelphia, Pa., Local No. 77—Louis N. Creighton, Charles M. Fry, Jacob Rink, Charles Saxton, Frederick Thomas, Theodore (Teddy) Fairfax.
- Pocatello, Idaho, Local No. 295—Kenneth McCardell.
- Providence, R. I., Local No. 166—John T. Greene, Arthur D. Goodrich, William King, Samuel O'Keefe, John Clegg.
- Pueblo, Col., Local No. 69—William John Guard.
- St. Louis, Mo., Local No. 2—Ray Reader.
- San Antonio, Texas, Local No. 23—John S. Souter, Pierre Mathia.
- San Diego, Calif., Local No. 228—Frederick G. Erbe.
- York, Pa., Local No. 472—Charles Yost.

COMMUNICATIONS FROM

The President

JOSEPH N. WEBER

NOTICE TO ALL MEMBERS OF THE FEDERATION

All members of the Federation are hereby notified that they are prohibited from entering into any contracts for engagements at the Forest Park Highlands, 5600 Oakland Avenue, St. Louis, Mo., for the 1939 season, until further notice from President's office.

JOSEPH N. WEBER, President, A. F. of M.

NOTICE!

To All Colored Members of the American Federation of Musicians:

The Colored Elks are holding their National Convention in Baltimore during the month of August, 1938.

The Monumental and Pride of Baltimore Elks Lodges which are held to be unfair to the A. F. of M. are two of the Elks Lodges that are host to the Convention.

Inasmuch as this is the case all members of the Federation are prohibited from participating in the parade or any other musical activities during the convention, regardless of any fraternal band agreements.

Further information can be obtained by writing direct to Howard Rollins, Secretary, Local 643, 1408 Pennsylvania Avenue, Baltimore, Md.

JOSEPH N. WEBER, President, A. F. of M.

FORBIDDEN TERRITORY

Ritz Carlton Hotel, Atlantic City, N. J., is declared Forbidden Territory to all members of the A. F. of M. other than members of Local 661, Atlantic City, N. J.

JOSEPH N. WEBER, President, A. F. of M.

Richlin Park, Joliet, Ill., is declared Forbidden Territory to all members of the A. F. of M. other than members of Local 37, Joliet, Ill.

JOSEPH N. WEBER, President, A. F. of M.

Gough's Corners, Deer Lodge, Mont., is declared Forbidden Territory to all members of the A. F. of M. other than members of Local 555, Deer Lodge, Mont.

JOSEPH N. WEBER, President, A. F. of M.

Colvin Gables Dance Hall, Kenmore, N. Y., is declared Forbidden Territory to all members of the A. F. of M. other than members of Locals 43 and 533, Buffalo, N. Y.

JOSEPH N. WEBER, President, A. F. of M.

CHANGES IN OFFICERS DURING MAY, 1938

- Local 45, Marion, Ind.—Secretary, Donald Jenkins, 208 West Eighth Street.
- Local 120, Scranton, Pa.—Secretary, Carl B. Harris, 212-213 Adlin Building.
- Local 124, Olympia, Wash.—Secretary, Paul V. Smith, 122 Cherry Street.
- Local 160, Springfield, Ohio—Secretary, Al. G. Deam, 210 Sun Building.
- Local 164, Junction City, Colo.—President, Keith E. Bolts, 1118 Main Street.
- Local 196, Champaign, Ill.—President, L. S. Mathews, 38 East Healey Street; Secretary, D. M. Slattery, 38 East Healey Street.
- Local 298, Niagara Falls, Ont., Canada—President, Stanley Halst, 1193 Morrison Street.
- Local 329, Sterling, Ill.—President, Joseph Knaple, 1110 Fifth Avenue.
- Local 330, Macomb, Ill.—President, Keith Stevens, 321 North Normal; Secretary, J. F. Oathout, Box 192.
- Local 363, Lewistown, Pa.—President, Paul G. Wagner, 47 Shaw Avenue; Secretary, Frank Machamer, 324 South Main Street.
- Local 382, Fargo, N. D.—President, Eugene Holkevick, 1131 College Street.
- Local 397, Grand Coulee, Wash.—Secretary, G. A. McGavran, Box 1166, Station "A."
- Local 437, Rochester, Minn.—President, L. J. Matheson, 512 S. E. Ninth Street.
- Local 479, Montgomery, Ala.—Secretary, Arnold Dienstfort, 203 Yancey Avenue.
- Local 482, Portsmouth, Ohio—Secretary, George F. Hartman, 1639 Robinson Ave.
- Local 490, Owatonna, Minn.—President, Joe Martinek, 311 State Avenue; Secretary, Emie Kovar, 443 North Pine Street.
- Local 571, Halifax, N. S., Canada—President, Russel T. Ward, 29 Seaforth Street; Secretary, D. B. Low, 29 Seaforth Street.
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Local 681, Ventura, Calif.—President, Hank Walker, 1041 East Main Street; Secretary, Herb Stannard, 113 South Oak Street.

Local 625, Ann Arbor, Mich.—President, William Boyd, 224-226 Nickels Arcade.

Local 648, Burlington, Iowa—President, A. A. Koett, 1715 Division Street.

Local 661, Atlantic City, N. J. (Subsidiary)—Secretary, George F. Allen, Liberty Hotel, Baltic Avenue.

Local 689, Eugene, Ore.—President, Ellsworth Huffman, 1410 Emerald Street; Secretary, Gary McLean, Bartle Court.

• Stage Shows •

The news during the past month regarding stage shows has been both good and bad. The dissatisfaction of the independent exhibitors with the product supplied them by the Hollywood producers has served to focus attention once more on the value of stage shows. In defense of Greta Garbo, Joan Crawford, Katharine Hepburn, Kay Francis, Marlene Dietrich, Edward Arnold and others who were attacked as being without box office draw, it must be said that there is nothing wrong with the ability of these stars. The fact is that stories and productions are lacking and that they have given fine performances whenever they have had material to work with. The double-feature craze has simply drained the well dry; there are no new stories or new ideas. Every theme has been played, replayed and overplayed until there is nothing left. Two days after the statement condemning the stars, the Independent Theatres Association also condemned the double-feature craze. Immediately thereafter Harry Brandt, who is the president of the Association, announced that next fall he will discontinue double features in his twenty houses in the Greater New York area and will install vaudeville with single features. Mr. Brandt toyed with the idea last fall, but saw fit to drop it at that time, so naturally one may be a little skeptical; nevertheless the trend is so definite that we can not help but feel that he will go through with it this time. Other New York houses announced for possible resumption of flesh this fall are Warner's Strand, Shubert's Winter Garden and B. S. Moss' Criterion.

Nearly all the chain theatres and a number of independents are discontinuing stage shows for the summer, but they all announce that they will resume them early in August. In Detroit, Mich., Local No. 5 made a deal with the operators of the Michigan and Fox Theatres to keep the shows running all summer. Among the houses that will retain their stage shows are the Earle in Philadelphia, the Lyric in Indianapolis, Fays in Providence, Capitol and Earle in Washington, Stanley in Pittsburgh, Palace, Chicago, and State Lake in Chicago, Golden Gate in San Francisco, Roxy in Salt Lake City, Hippodrome in Baltimore, Paramount, State, Roxy and Music Hall in New York.

On the other hand, we find here and there theatres that are adding stage shows during the hot weather to offset the poor productions. Among these are the Capitol in Eau Claire, Wis.; the Newman in Kansas City, Mo., together with a number of neighborhood theatres in Detroit, and other large cities. The general consensus of opinion is that by the time the World's Fair opens in New York City there will be a decided increase in the number of theatres playing vaudeville, as well as an influx of night club shows that will take up practically all the idle talent.

When the Boston musicians, stagehands and motion picture operators bought space in the daily papers to commend Charles Koerner for his staunch adherence to stage shows, they not only established a precedent but also gave recognition to a manager who has been a veritable Rock of Gibraltar, standing high above all the other managers who are so prone to be "yes men" and give the nod of approval to the picture producers who continually cried that the stage is dead. Mr. Koerner has played stage shows to the limit in his theatres and has proved by his example that not only is flesh not dead, but that when it is properly handled it is a potent influence in bringing profits to the box office of his theatres, while other managers are taking losses and crying about poor product.

William Green, the President of the American Federation of Labor, has been made a charter member of the American Federation of Actors and in a jocular mood billed himself as "An Irish Ballad Singer."

Directly opposite from the trend of previous years, the legitimate theatre is holding on longer and doing better business than the picture and vaudeville houses.

In Chicago, "Room Service" closed its 11-week run on May 7, and grossed \$7,500 for the week ending April 30, and \$5,000 for the last week. "Star Wagon" also finished its run on April 30 with a fine figure of \$15,700. "You Never Know," the new musical comedy, closed its first week with a gross of \$20,000; the second week, ending May 14, brought in \$21,000, and the Chicago legitimate season wound up on May 21 with the third and final week of this attraction with another \$21,000 gross.

New York City has a new entry in the Shubert's "I Married An Angel," which

Immediately jumped into the hit class and has been sold out for every performance since its opening. For its first five performances, ending May 14, the gross was \$18,000; for its first full week, ending May 21, the gross was \$23,000. Ed. Wynn's "Hooray For What!" drew \$18,000 for the week ending April 30, \$16,000 for the week ending May 7, \$15,000 for the week ending May 14, and closed its run with \$17,000 for the week ending May 21. George M. Cohan's "I'd Rather Be Right" continues to be a good grosser, drawing \$24,000 for the week ending April 30, \$22,000 for the week ending May 7, \$18,000 for the week ending May 14, and \$17,000 for the week ending May 21. This attraction moved to the Music Box for its thirtieth week, where it will undoubtedly enjoy a healthy increase in business.

Helen Hayes in "Victoria Regina" is showing the way to all other attractions on the road. For the week ending April 30 she played Denver and Salt Lake City to a wonderful \$30,300. The following week she spent in the Northwest, playing Seattle, Victoria and Vancouver to \$26,000. The next week she played Portland, Ore., and Oakland, Calif., to \$30,000, and during her first week at the Curran Theatre in San Francisco grossed \$29,000.

Philadelphia gave "Pins and Needles" \$10,000 for the week ending April 30, and "You Can't Take It With You," for the third week of its second run, ending the same date, \$11,000. For its fourth week, "You Can't Take It With You" grossed \$8,000, and "Pins and Needles" wound up its stay on May 7 with \$8,500. During the same week "A Doll's House" enjoyed a splendid \$13,500 gross. For the week ending May 14, "You Can't Take It With You," in its fifth week, drew \$8,000. "A Doll's House" closed its run of two weeks with \$11,000, and "Tobacco Road," in its seventh Philadelphia engagement, drew better than \$8,500. For the week ending May 21, "You Can't Take It With You," in its final week, drew \$8,000, and "Tobacco Road" closed its two weeks' stay with \$7,500. "Star Wagon," in its first week at the Forrest, brought the business back to \$13,700.

Other grosses for the week ending April 30 were: Washington, D. C., National Theatre, "Yes, My Darling Daughter," \$15,000; Detroit, Mich., Cass Theatre, "You Never Know," \$20,000; Baltimore, Md., Ford's Theatre, "Three Waltzes," \$10,000; Boston, Mass., Shubert Theatre, "I Married An Angel," \$17,000; Colonial Theatre, "The Women," \$12,000; Newark, N. J., Shubert Theatre, "Yes, My Darling Daughter," \$8,500. For the week ending May 7, Detroit, Mich., Cass Theatre, "Star Wagon," \$15,000; Los Angeles, Calif., Biltmore Theatre, "Golden Boy," \$15,000; San Francisco, Calif., Geary Theatre, sixth week of "You Can't Take It With You," \$8,500; Pittsburgh, Pa., Nixon Theatre, "Three Waltzes," \$8,500; Boston, Mass., Shubert Theatre, "I Married An Angel," \$16,000; Colonial Theatre, "The Women," \$11,000. Week ending May 14, Boston, Mass., Shubert Theatre, "Pins and Needles," \$10,500; Colonial Theatre, "The Women," \$8,500; Los Angeles, Calif., Biltmore Theatre, "Golden Boy," \$10,000; Washington, D. C., National Theatre, "Star Wagon," \$14,000; Newark, N. J., Shubert Theatre, "You Can't Take It With You," \$9,500; San Francisco, Calif., Geary Theatre, "You Can't Take It With You," seventh and final week, \$7,000. Week ending May 21, Washington, D. C., National Theatre, Abbey Players, \$12,000; Boston, Mass., Shubert Theatre, "Pins and Needles," third and final week, \$11,000; Los Angeles, Calif., Philharmonic, "Blossom Time," with John Charles Thomas, \$40,000.

Name bands continue to play a prominent part in the business in picture and vaudeville theatres. The fact of the matter is that they are considered to be about the only sure-fire attractions that the managers are able to book for the hot weather. For the week ending April 30, Kay Kyser drew \$35,000 in the Paramount Theatre, New York, while Buddy Rogers and his orchestra grossed \$17,000

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2. Give notes composing G# minor descending melodic scale.
3. Name flats in key of Gb major.
4. What notes compose the B 7th Chord?
5. When Eb Sax key is A major, what is correct key for Piano? By Clarinet? By Trumpet? French Horn?

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at the State Theatre in the same city. Guy Lombardo brought \$23,000 into the coffers of the Earle Theatre in Philadelphia, while Freddie Fisher and his Schnickelfritzers drew \$15,000 at the Golden Gate in San Francisco. Cab Calloway brought in \$13,000 at the Stanley Theatre in Pittsburgh, and Tommy Dorsey hyped Shea's Buffalo Theatre in Buffalo, N. Y., up to \$16,000 against a weak \$9,000 for the previous week with their ordinary show. For the week ending May 7, Kay Kyser, in his second week, drew \$24,000 at the Paramount, New York. Abe Lyman drew \$20,000 at the Chicago Theatre in Chicago. Wayne King built the Stanley Theatre in Pittsburgh to \$20,000, and Shep Fields, working his first week following his illness, brought in \$15,500 at Keith's Memorial in Boston. Cab Calloway drew \$15,000 at the Michigan in Detroit during the same week.

For the week ending May 14, Bunny Berrigan drew \$32,000 at the Paramount in New York City and Shep Fields \$19,000 across the street at the State. For the same week Cab Calloway played to \$15,000 at the Palace in Chicago, and Wayne King drew \$16,500 at the Earle in Philadelphia. The bright spot of the week was Abe Lyman's \$25,000 at the Fox Theatre in Detroit, which was great business when compared with \$14,000 for the previous week's straight vaudeville show.

For the week ending May 21, Benny Goodman hyped the Keith's Memorial Theatre in Boston to a terrific \$29,000. Sammy Kaye raised the gross at the Capitol Theatre in Washington to \$18,000, against an average gross of \$14,000. In Detroit, Guy Lombardo gave the Fox Theatre another fine week with a gross of \$25,000, and Hal Kemp and his band, featuring Judy Starr, grossed a great \$43,000 at the Paramount Theatre in New York City.

REMINGTON-RAND MUST REINSTATE 4,000 WORKERS

(Continued from Page One)
Other NLRB Orders Upheld

In the Black Diamond Steamship case, the company must offer reinstatement to 25 employees, with back pay. In the Carlisle Lumber case, 147 workers must be put back, and the back pay totals—to date—\$153,000.00.

Quite as important, though lacking some of the personal interest of the labor cases, was the holding of the court that the Federal income tax applies to and can be collected from state employees engaged in work not absolutely essential to the existence of the state. The question at issue was the attempt of the Federal government to collect income taxes on the salaries of employees of the Port Authority of New York. The court, by 5 to 3, upheld the government.

Black Goes Farther
Justice Black, as has happened often before, went farther. He held that the 16th Amendment gives Congress power to tax incomes "from whatever source derived," and intimated that it is high time the court wiped out the whole series of exemptions.

The court also upheld the collection of taxes on admissions to state university football games. It knocked out an injunction of the Methusalem Court—the Third Circuit Court of Philadelphia—which restrained the Federal Power Commission from investigating a gas and electric company. It heard argument on the case in which the same Third Circuit Court refused to let the NLRB withdraw its order in the Republic Steel case. The verdict will come later.

Television

America, usually several paces ahead in the innumerable races of progress, drew in the reins at the beginning of the television handicap and proceeded slowly, content to watch London take the lead in this new ether steeplechase.

Now, after seventeen months of a public television service on high definition in London, the British Broadcasting Corporation expresses great disappointment in the attitude of the public, and is deeply concerned by the apparent indifference and lack of enthusiasm. A fresh start in London television has been recommended, and BBC is now tugging at the reins, retracting—preparing for a final spurt.

Following conferences with the government, definite measures are being taken for this last great spurge. Television demonstrations will be given in the homes; a Sunday hour program has been introduced; the two hours of studio programs on week days are being increased to two and a half hours, plus the hour of film for test purposes in the mornings.

Also a second television mobile unit has been ordered for the television of sporting and topical events from points within a 20-mile radius of Alexandra Palace. All in an effort to make the public become more television conscious.

The unenthusiastic response to television did not trouble the British radio industry, much, until the beginning of 1938, when a sudden falling off in the sales of ordinary radio became most noticeable. Only then did they start to view the situation with any anxiety, and now the radio manufacturers are about agreed that America was right, after all, in holding back until the prospects were more certain.

Meanwhile the 10th anniversary of the use of cathode ray in television finds the ray on the downbeat and the mechanical system, stemming from the scanning disc which Nipkow invented in 1873, again coming into its own.

In spite of the high pressure salesmanship of a patent pool in three countries (United States, England and Germany) which control more than 400 patents using cathode ray in television, it is whispered that all countries are agreed that the ray is now out commercially.

And as London turns back for a fresh start, America treads along cautiously, keeping abreast of television, and adding her scientific contributions, but working quietly and unostentatiously.

Over a period of 10 years the present N. B. C. station, W2XBS, in New York, has been operated experimentally. It was established by R. C. A. early in 1928 when low-definition pictures by the older scanning disc method seemed to promise an early television service. It was later realized that this mechanical method would never produce a picture of sufficient detail to satisfy the home view.

Experimental field tests were begun by the National Broadcasting Company in 1936 on a 343-line system. In January, 1938, the standard of definition was raised to 441 lines, now believed to be satisfactory for home entertainment needs, and several series of field tests indicate that good 441-line images can be broadcast from Station W2XBS over areas within 50 miles of the Empire State transmitter.

But N. B. C.'s activities in television remain strictly experimental at the present time. David Sarnoff, president of R. C. A., states: "Our experiments with television in the past 18 months have improved the system by increasing its capabilities and efficiency, thus enabling it to move closer to the inauguration of a television service for the American home."

A regular schedule of experimental broadcasts of programs especially designed for television, was begun eight weeks ago by N. B. C., and consists of five full hour broadcasts—three afternoon transmissions of test charts and still pictures, and two evening programs of entertainment.

The National Broadcasting Company was host on May 17 to 1,000 representatives of newspapers in the first general television demonstration for the press in seven months. A series of 25-minute programs were presented that ran throughout the afternoon and evening.

It was evident that steady advances have been made toward technical perfection of the medium during the past year, although no startling innovations have been introduced in the R. C. A. system.

The consensus of opinion of those who had seen the demonstrations late in 1937 was that the engineers had succeeded in

giving greater depth to the images. However, the 7½ by 10-inch pictures, though interesting, are a strain on the eyes and must be enlarged before television can be popular or compete with broadcasting.

The drama presented was "The Mysterious Mummy Case," adapted from a Tom Terris adventure script by Thomas Hutchinson, N. B. C. television program director. Three studios and four distinct techniques were required for its presentation. The main action took place in a live talent studio, but auxiliary media in the form of slides, motion pictures and special television effects were contributed from two other studios.

Five sets were used in the live talent studio by a cast of nine players. Slides and motion pictures were scanned in another studio, two floors above, and all effects were televised in a special studio nearby.

Picture and sound signals were carried by coaxial cable to N. B. C.'s experimental transmitter in the Empire State tower, and there broadcast from a temporary antenna array on the north side of the building to receivers in the metropolitan area.

No changes in the tentative standards have been made since the last demonstration. The pictures are still drawn in 441 horizontal lines at the rate of 30 complete pictures a second. However, changes in the system of transmission have resulted in a steadier image.

Television, as a medium of classroom instruction, was used for the first time in this country quite recently, and at the end of a 40-minute demonstration the experiment was voted a "great success."

Two hundred New York University students gathered before television receivers on the 62nd floor of the R. C. A. Building, while on the third floor Dr. C. C. Clark, Associate Professor of General Science at New York University School of Commerce, delivered an illustrated lecture on the uses and principles of photo-electricity.

A special talk-back radio circuit had been installed to link the teacher with his students, the pupil being visible on the screen, talking to the teacher, and although they were both 60 floors apart every word and facial expression came to each distinctly.

Dr. James Rowland Angell, N. B. C. educational counselor and former president of Yale University, who had arranged the experiment, told the audience that the possible uses of television in the classroom were virtually limitless, and predicted that five years from now it will be used very frequently in that capacity.

The International Television Radio Corporation has filed a new prospectus with the SEC with several minor amendments. The new report states that 1,000,000 shares of common stock are now being offered to the public at \$1.60 as speculation. The SEC has not yet approved or disapproved the stock.

The money will be used to develop the television system of William H. Preiss, who heads the company.

A miniature television transmitter has been developed by the National Union Radio Corporation to aid technicians in readjusting tele-sound receivers when out of order.

The 10-tube device, designed by Marshall P. Wilder, engineer, is small enough to be carried under the arm. It sends a still picture of geometric designs enabling the serviceman to analyze the tele-receiver circuit.

A nine-tube television set of simplified design that intercepts pictures but not the accompanying sound, was demonstrated recently as it clearly tuned in a test broadcast from the Empire State Building television transmitter.

The set will be placed on the market immediately at a price of about \$125.00, according to Charles H. Sterenfeld, vice-president of Communicating Systems, Inc. The circuit employed is a simplified one,



After completing a typically successful engagement at Chicago's College Inn, followed by a limited theater tour, Buddy Rogers' famous orchestra embarked for Rio de Janeiro, where they open in May. This great orchestra is an international favorite with radio and dance fans. Its throbbing rhythm is the product of Rogers' directing genius and Russ Isaacs' skill at the drums. Like so many other big time drummers, Isaacs depends on Leedy equipment. His snare drum, bass drum and majority of traps are Leedy's. Leedy has been first choice of leading professionals for more than 40 years. Isn't that sufficient reason for you to investigate Leedy's many exclusive improvements?

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using the fewest number of tubes possible and incorporating features which make for marked simplicity of construction. Only five control knobs are used on each receiver.

Radio Events, Inc., is starting a weekly series of scripts to enable engineers and production men to study the problem of presenting television sketches. The programs are being built for one-set productions and require small casts, limited field of action and frequent close-ups.

The scripts will be "tele-tested" before release, although they are also intended for regular radio broadcasts.

The American Society of Composers, Authors and Publishers is not the least bit excited over the prospect of cashing in on television, and are maintaining a policy of hands off while this newest industry undergoes more commercial and laboratory experimentation. The society will not consider imposing any kind of license until the medium establishes a commercial use for copyright music.

Recent television programs on the ultra-short waves from Alexandra Palace included a mimic air raid, involving an attack on the palace itself. The display was given by the Territorial Army's Anti-Aircraft Division, and the Royal Air Force cooperating in the aerial attack, televised after dark. The defense headquarters were supposedly the tele-studios, and the radio spectators were given inside knowledge on how the defending forces are coordinated.

A new book on television has just recently been published by William Morrow & Company, "Television: A Struggle for Power," by Frank Waldrop and Joseph Borkin.

The book stresses the financial, economic, social and entertainment problems of the television to come, but is also well grounded in knowledge of technical details.

Televised special events of sports and of topical nature are being shown in England and Germany with a clearness almost comparable to our own motion pictures, states Marshall P. Wilder of the National Union Radio Corp., who went on to explain the details and working of the electron tele-tube after giving a short resume of its history. Mr. Wilder said it

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would probably be some time before we are ready for television over here, although it appeared to be greatly advanced abroad.

Now that the Don Lee radio chain is set for live show broadcasts, television will be presented in a big way on the coast for the first time. The approval of the Federal Communications Commission is all that is holding up production, and the "go ahead" signal is expected early this week, according to Harry Lubcke, director of television for the network. Application to the commission has also been made to increase power of the television outlet from 50 to 1,000 watts power.

About 100 television sets are in use in this district at the present time, Mr. Lubcke stated.

A new kind of experimental television, featuring large pictures, was demonstrated in Irvington, N. J., by the Kolorama Television Laboratories.

This system is not the electronic method, such as has been developed by the R. C. A., but a method that is a modification of the mechanical method and declared to be far less costly.

The pictures were four by five feet and three by four feet. They were transmitted from standard motion picture films, with sound.

The flickering was quite marked, when the pictures were fully illuminated, but by decreasing the light and making the pictures dimmer, the flicker was reduced. However, the observers in the room could easily follow the television program in spite of a faint light from an indirect

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WHAT NEXT?

An awning that is automatically raised or lowered by means of a photo-electric cell sensitive to sun and rain, has been invented in Dayton, Ohio.

Communicating Systems, Inc., of New York, announces it will soon offer a television receiver to the public for \$125.00. The company said it had received orders for 50 sets. These will be the first to reach the open market. The receivers produce a three-inch picture.

New electric lamps, known as "fluorescent lameline lamps," produce a relatively bright light with many times the illumina-

tion per watt of a standard filament electric light with little current. The lamps light ceilings with high efficiency and low cost and are particularly well adapted to locations where heat is objectionable. The light produced is a near approach to natural daylight.

Don't Make a Fuss, Pat!

An Irishman, dining at Crews, Found quite a large mouse in his stew. Said the waiter, "Don't shout, and wave it about, Or the rest will be wanting one too."

Innocence

Young Wife—What is this ticket, darling?
Hubby—Only a pawn ticket.
Young Wife—Why didn't you get two, then we could both go?

The Thin Man

Lady—Hello! Is that the police station?
Inspector—Yes. What's the matter?
Lady—I just wanted to tell you that you need not search for my husband; I found him myself. He had forgotten to take off his overcoat and I hung him in the wardrobe by mistake.

Searching

Tom—Are you still looking for your two bits?
Bill—No, my little brother found it.
Tom—Then what the "L" are you looking for?
Bill—My little brother.

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Band Concerts

The opening concert of the Goldman Band, under the direction of Dr. Edwin Franko Goldman, in Central Park, New York, on June 15, will feature an entirely new march, as yet unnamed, by Prokofieff, which will receive its premiere performance on this program. Other new compositions on the opening program will be a transcription of the "Procession of Nobles," from "Mlada," by Rimsky-Korsakov, and an "Italian Polka," by Rachmaninoff, arranged under the supervision of the composer himself. Still another feature will be the first performance of a new Trio for Three Cornets, by Dr. Edwin Franko Goldman, entitled "Echo Waltz." The soloists on this occasion will be Leonard B. Smith, Frank Elsass and Ned Mahoney.

During the first week there will be three miscellaneous programs, one Wagner and one grand opera. During the balance of the season there will be several Tchaikovsky programs. Other evenings will be dedicated to the works of Schubert, Bach, Beethoven, Verdi, Liszt, Mendelssohn, etc.

There will also be programs devoted to various nationalities including Italian, French, Russian, German, English, Polish, Czechoslovakian, etc. Three all-American programs will be rendered during the season. A program in memory of John Philip Sousa will be performed at Central Park on August 1. There will also be a program in memory of Victor Herbert in Central Park on July 30.

The programs will be varied, comprising grand opera, comic opera and symphonic, with a special program devoted to children, several programs of old music and a number of special request programs.

On July 9, which is the anniversary of Daniel Guggenheim's birth, a special memorial program will be played. The Annual Music Memory Contest, which has been such an important feature of these concerts in the past, will take place on August 4, in Central Park. There will be two special programs in honor of the 25th anniversary of the founding of the Goldman Band.

The City of Indianapolis has appropriated money to cover a series of 15 concerts in the parks during the coming summer.

The Indianapolis Concert Band, under the direction of William Schumacher, which played to overflow audiences last summer, is scheduled to entertain the music lovers during the coming series.

The concerts last season were given in a natural amphitheatre at Garfield Park and the spontaneous reception of these concerts by the public resulted in an increased appropriation for this summer.

Local 3 hopes eventually to provide the music lovers of Indianapolis with a full summer season of music.

At the opening game of the Chicago Cubs in the Chicago Cubs Park, on April 23, Jack Bramhall, known as the Cub's Bandmaster, and his band of 30 men furnished the music. Brother Bramhall is one of the oldest members of the Federation and is proud of the fact that he has played the opening game of the Cub season for 46 years. After the flag-raising ceremony the band marched back to the grandstand and the entire audience stood up to cheer the grand old-timer, who was as young as the youngest member of the band in stepping off a snappy tempo, for which he has always been noted.

A feature of the National Music Celebration in Pottsville, Pa., on May 5, was a concert given by the Schuylkill County Concert Band of 50 men under the direction of Michael E. Slowitzky. The program, which was played to a capacity audience, was as follows:

- March—"George Washington Bicentennial" Sousa
- Symphonic Poem—"Finlandia" Sibelius
- Scenes Pittoresques Massenet
 - No. 1 Marche
 - No. 2 Air de Ballet
 - No. 3 Angelus
 - No. 4 Fete Boheme
- Soprano Solo—"Who Are We To Say" Romberg
 - Elisabeth Garretson, soloist
- Rhythm Novelty—"The Toy Trumpet" Scott
- Finale from the "New World" Symphony Dvorak
- "The Ride of the Valkyries" Wagner
- Popular Song—"My Heaven on Earth" Baker
 - Abe Orkin, soloist
- Victor Herbert Favorites Arr. by M. L. Lake
- March—"The Chimes of Liberty" Goldman
- Overture—"The Flying Dutchman" Wagner
- Star Spangled Banner

In New York City there have been no band concerts sponsored directly by the

city for a number of years. Local 302 has made a special effort to convince the city fathers and the Park Board that such concerts should be provided by the municipality. After considerable investigation, it was not found possible to secure any funds for this purpose this year. This being the case, Mayor La Guardia made a proposition to the Local that if the Local would stand half of the cost, he would find someone to donate the other half so that 10 concerts could be given in the neighborhood parks during July and August. The Local promptly made the donation, and Mayor La Guardia was able to secure a like donation from the Friedman Foundation. The concerts will begin on Wednesday, July 6, and will be given every Wednesday up to and including August 17.

In Minneapolis, Minn., two bands will furnish music for the eight-week season opening on Sunday, June 19, and ending on August 12. The concerts at Lake Harriet will be furnished by the Minneapolis Symphonic Band under the direction of William Muebe, and those in the neighborhood parks by the Gopher Band under the direction of Albert Rudd.

Frank Panella of Pittsburgh, Pa., has written a spirited march entitled "Our Joe" and dedicated to Joseph N. Weber, President of the American Federation of Musicians. The first performance of this march was played over the Columbia Broadcasting System on Thursday, May 26.

One of the special features of the annual Great Band Festival sponsored by the Salvation Army of Milwaukee, Wis., on April 3, was the program played by the Armco Band under the direction of Dr. Frank Simon. Six bands, comprising 470 musicians, played at two sessions of three hours each and then they all massed into one band to play Sousa's "Semper Fidelis" march with Dr. Simon directing. The other bands on the program were the Tripoli Shrine Band, directed by Captain F. W. Brunkhorst; the Milwaukee State Teachers' College Band, under the direction of Hugo Anhalt; the Inter-High Band, conducted by Joseph Skornicka; the Chicago Staff Band, under the direction of John Stewart, and the Salvation Army Band of Milwaukee, under the direction of Carl Zaiser. An audience of more than 8,000 people attended each of the two sessions.

A feature of the dedication of the Fort Dodge, Iowa, new \$40,000.00 band pavilion was the premiere performance of Karl L. King's new march "Hawkeye Glory," dedicated to the University of Iowa.

St. Louis Local No. 3 is making a determined effort to secure an appropriation of \$15,000.00 for a municipal band of 31 musicians to play in the city parks for 12 weeks. This sum has twice been in and out of the city budget, but the Local has by no means given up hope of being able to finally succeed in having this work provided for its members.

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Within a theme,
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But only dream.

God gave us music that we might learn
To find Him there,
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Breathe a prayer.

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TERMINAL MUSICAL SUPPLY COMPANY

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Community Service Functions as Affecting The Music Departments of the Public Schools

(The code of ethics for Pennsylvania, which is reprinted herewith, has resulted in a solution of 99 per cent. of all the problems arising in school band and orchestra competition in the State of Pennsylvania. It is reprinted for the purpose of disseminating information that may be helpful in solving the problem of competition of school musicians in other States throughout the jurisdiction of the American Federation of Musicians.—THE EDITOR.)

The public schools exist for the education of youth. The public is entitled to, and should demand, the best possible educational results.

Worthy and appropriate educational results are often such as are interesting and useful to the public, not primarily as educational exhibits but for intrinsic worth as entertainment. Of such nature are the results attained by groups of students in the orchestras and bands.

The public is interested in the school orchestras and bands for educational reasons, but frequently it is desirous of music for some occasion outside of the schools. These occasions may be motivated by the thought of contributing stimulus or encouragement to the school music organizations, or by the hope of attracting attention to its own projects without regard to the effect upon the schools. Consequently there are numerous requests for the services of school orchestras or bands, or small groups of players from these organizations, in providing music for all sorts of occasions.

The effect of any pupil activity undertaken under school auspices, upon the educational, physical, mental, and moral welfare of the students, is the first and most important consideration that must be weighed by public school officials. That is their specific responsibility.

The social and ethical education that results from participation in the right sort of civic and community affairs should be weighed as a value to the students. These values, however, may be highly variable and are relative to other values.

The occasion may be one which represents a comparatively low order of civic interest and purpose.

The occasion may represent the principles or program of only a small group of citizens and be contrary to the principles or purposes of an equal or larger group.

The occasion may be sharply limited to the interests of a sect, a church, a club membership, or a society. Though these may be good in themselves, service to one would imply obligation to serve all, and the schools have neither time nor energy to serve the community when it is divided into a multitude of small units.

An occasion, although having a public welfare bearing, may have its strongest bearing upon private welfare. Better business is of public interest, but a band or orchestra, for example, playing as an attraction in a department store may be considered as detracting from business by the other department stores. Even if all the department stores were included, the civic welfare grows obscure in such cases, and the civic spirit gained by the pupils can be neither very great nor very clear as to value.

On any occasion, even one that represents a civic purpose or interest, some citizens may feel that their group interests are injured. Contributions of free music from the schools affect, for instance, the welfare of the professional musicians. They see themselves as citizens who own property, pay taxes, and support the schools, just as other citizens do. They play gratuitously for charity and have no objection to others doing likewise. If the city or county opens a bridge or a park, that is a matter of general civic interest. But the professional musicians do not believe that they should donate their music any more than the manufacturers should have donated materials for construction, and if music is engaged they believe it should be paid for. Civic interest on the part of the public school system is conceded, and possibly the public schools, as a governmental institution, should participate. But unless the ceremonies are considered of sufficient importance to justify the participation of all the students, it is clear that detailing a band to play reflects a belief that the schools owe a duty to the government rather than a belief that civic education is to be imparted to the students attending. The government is the people, and the people's interests are not best served by competing with professional musicians rather than paying a little more public money out in wages to professional musician-citizens.

In a clear cut case of proper civic interest, the students who are asked to play on an occasion may be asked to lose more than they gain. Incidents are known where school bands have lost a half-day of school, marched in a cold rain for several miles (with disastrous after effects), played nothing that could possibly

have done anything for them musically or mentally, and bruised their lips by playing while marching over rough ground so that they were unfit for their scheduled playing at school for several days. They gained nothing comparable to what they lost. They had a right to ask an accounting of those who are their guardians in school-music matters.

School organizations have no justification for playing outside of the schools on the basis of statements to the effect that funds are not available for the employment of professional musicians, or that if a school organization can not be had professional musicians can not be or will not be employed, or that the school organization is to play without remuneration of any kind.

In view of the foregoing discussion, it is recommended that public school organizations contribute music only as hereinafter provided:

1. For school functions, initiated by the schools as part of a school program, whether in school buildings or other building.

2. For community functions organized in the interests of the schools strictly for educational purposes, such as those that might be originated by the Parent-Teacher Association, educational committees of community organizations such as Civic Clubs, Women's Clubs, Music Clubs, Rotary Clubs, Kiwanis Clubs, etc.

3. For school exhibit purposes as part of the school district's courtesies to educational organizations or educational conventions being entertained in the district.

4. For civic occasions of local, state, or national patriotic interest, of sufficient breadth to enlist the sympathies and cooperation of all persons, such as the G. A. R., American Legion, and Veterans of Foreign Wars in connection with their Memorial Day services in the cemeteries, but only when such participation would not in the least usurp the rights and privileges of local professional musicians.

5. For worthy local charity, such as the Welfare Federation, Red Cross, hospitals, etc., when and where local professional musicians would likewise render their services gratuitously.

6. For any educational and civic service that might beforehand be mutually agreed upon by the Superintendent of Schools and the official representative of the local professional musicians.

Committee: Will Earhart, Pittsburgh, Past President, Department of Music, Pennsylvania State Education Association; Frank L. Defenderfer, Reading, President, Conference of Pennsylvania and Delaware Locals, American Federation of Musicians; Ralph Feldser, Harrisburg, Secretary, Conference of Pennsylvania and Delaware Locals, American Federation of Musicians. Chairman: M. Claude Rosenberry, Harrisburg, Director of Music Education, State Department of Public Instruction.

24th LABOR CONFERENCE ASSEMBLES AT GENEVA

(Continued from Page One)

Regulation of contracts of employment of indigenous workers.

Recruiting, placing and conditions of labor (equality of treatment) of migrant workers.

Since 1926 a number of appeals have been made to the International Labor Organization for international regulations governing motor transport. It has been pointed out that while this industry has grown up largely since the World War, it is already in many countries a serious competitor to the railroads.

But while, almost everywhere, railroads are subject to strict regulation, such legislation as has been adopted for motor transport is largely in an experimental stage. The result is that working conditions in motor transport are greatly inferior to those on railroads.

The National Safety Council estimates that, in the United States alone, fatigue is responsible for more than 20,000 road accidents per year; and since similar conditions prevail in most countries, the International Labor Conference will be asked to consider the advisability of adopting international regulations limiting the period of uninterrupted driving

for motor-transport workers, as well as the total normal time at the wheel, and the total weekly hours of duty.

As regards "Generalization of the reduction of hours of work," the Conference will be called upon to consider proposals for reducing hours of work in all economic activities other than agriculture and shipping.

The Conference will be asked to undertake a fresh review of the whole question of "Technical and vocational education and apprenticeship," with a view to reorganizing vocational training upon lines more suited to present-day needs; and to consider especially methods of vocational training for re-employed persons.

In considering the question of "Regulation of contracts of employment of indigenous workers," the Conference will have in mind such problems as the control of written contracts by government officers, the maximum duration of contracts, medical examination, limitation of the employment of children, the repatriation of workers brought from a distance and the mitigation of penal sanctions for breaches of contract.

In connection with "Recruiting, placing and conditions of labor (equality of treatment) of migrant workers," the Conference will examine the procedure for recruiting migrant workers and placing them in employment, equality of treatment of national and foreign workers as regards conditions of work, and other matters dealing with the supply of infor-

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mation and assistance to migrant workers.

Besides the six items on the agenda the Conference will consider also various other matters, including the annual report of Director Harold B. Butler of the International Labor Office on "World Economic Conditions," and reports on the application of International Labor Conventions.

Symphony Orchestras

We are indebted to Leonard Liebing, the famous music critic, radio commentator and writer, for the statement that today there are only ten cities in the United States of 100,000 or more that do not have a symphony orchestra.

This shows tremendous progress, as it was not so many years ago that the total number of symphony orchestras in this country did not exceed ten. The situation today shows the tremendous progress the art of music has made on the North American continent in the last twenty-five years. The policy of the American Federation of Musicians in encouraging our Locals to cooperate with symphony orchestra associations in smaller cities, coupled with the influence of radio, phonograph records and the demand of the public for good music which was taken away from them when sound took over the motion picture theatres, have been potent factors in this development.

In commenting upon the fact that nearly 600,000 people tried to jam their way into the World's Fair grounds for the preview musical on May 1, Olin Downes, the eminent music critic of the *New York Times*, remarked that no better demonstration of the great new American audience for music has ever been made. Mr. Downes stated in his article that 25 years ago it was difficult to secure a large audience to hear the Beethoven Ninth Symphony. In making preparations for May 1, provision was made to handle from 18,000 to 20,000 people and World's Fair officials were of the opinion that if they drew an audience of that size to hear so serious a composition, they would do well. Instead it was impossible to accommodate all those that did desire to hear it, even though there were accommodations for nearly a half million people. All of the above portend greater things for fine music in the future in America.

The occasion of the above-mentioned announcement by Leonard Liebing was the concert of the Elizabeth N. J. Symphony Orchestra on Saturday evening, April 30, the first half of which was broadcast over a National radio chain. In a city of about 100,000 inhabitants so close to metropolitan New York, it is remarkable that an orchestra of so high a standard can be successfully maintained. The conductor is Dr. August May, an eminent music teacher, who gives his services to the orchestra entirely free of charge.

The orchestra is composed of 72 musicians, 28 of whom are amateurs and 46 professional musicians. The professional musicians are either residents of Elizabeth or former residents who live in neighboring cities but return to Elizabeth to play the concerts of this orchestra. The orchestra gives five evening symphony concerts and three afternoon young people's concerts.

The program for the April 30 concert was as follows:

Overture to "Marriage of Figaro".....	Mozart
Mephisto Waits.....	Liszt-Brodsky-Triggs
Vera Brodsky, Harold Triggs	
The Afternoon of a Faun.....	Debussy
Carmen Fantasy.....	Chastina
Vera Brodsky, Harold Triggs	
Roumanian Rhapsody No. 1.....	Enesco
Waldweben from "Siegfried".....	Wagner
Berceuse.....	Jarnstelt
Prelude from "Moyen-Age" Suite.....	Glazounoff

The officers of the Elizabeth Philharmonic Society include James R. Ross, the Secretary of Local 151, who is also secretary of the society. Julian Seaman, Music Editor of the *New York Mirror*, a resident of Elizabeth and member of the board of trustees, compiles the program notes for the concerts.

The Philharmonic Symphony Society of New York has raised, by private subscription, a maintenance fund sufficient to maintain the orchestra for the next two years and perhaps during part of the third year. In his annual report, Marshall Field, president, stated the following:

"It is evident that before the 100th anniversary of the society is reached in 1943 the members will be compelled to decide whether the organization will be carried on by the method of raising maintenance funds every two or three years or whether a sufficient endowment will be collected while we have the present maintenance fund so that the society may be put on a permanent basis.

"The directors feel that the Philharmonic-Symphony Society is of sufficient importance musically in the City of New York and to the United States through its

radio performances to justify their utmost efforts in providing a permanent basis for its activities. In due time the directors expect to proceed with the raising of such a fund and trust that the members of the public will respond generously."

The Philharmonic Society has signed an agreement with Local 802 for the next two years, which provides an increase in the length of the season from 28 to 30 weeks during these two years. During the depth of the depression, the orchestra members took a 15 per cent. cut and the season was cut down to 24 weeks. During the past two years the cuts have been restored and the season has been increased to 28 weeks. The new season of 30 weeks together with the summer stadium concerts will provide the members of the orchestra with 38 full working weeks during each of the next two years. Under John Barbipoll's direction there has been a consistent increase in the patronage, and it was this fact that enabled the society to agree to the further lengthening of the season.

Another brilliant summer musical season, with world-famous soloists, conductors, four beautiful and immortal operas, will be offered this year at Robin Hood Dell in Fairmount Park by the men of the Philadelphia Orchestra. This was announced by Alfred Reginald Allen, Philadelphia Orchestra manager, who again will be active in the affairs of the Dell. The summer concert season will open on June 23, with Eugene Ormandy, conductor of the Philadelphia Orchestra, contributing his services to make the initial concert especially interesting. The season will last for eight weeks, ending on August 18.

Conductors this year will include William Van Hoogstraten, Alexander Hilleberg, Eugene Goossens, Charles O'Connell, Alfred Wallenstein, Alexander Smallens, who will conduct the operas, and Saul Caston, who will conduct the ballets.

Soloists at the Dell will include Efram Zimbalist, renowned violinist; Walter Gieseking, great pianist; Maurice Rosenthal, also a famous pianist; Gladys Swarthout, mezzo-soprano of the Metropolitan, concert stage and screen, and Bruna Castagna, famous contralto of the Metropolitan.

The operas to be offered by the men of the Orchestra will include "Carmen," "Aida," "Rigoletto," and "Faust."

Catherine Littlefield and her ballet will present a full program, including her famous "Barn Dance," and Mary Binney Montgomery and her dancers will also be seen in a full program, including "The County Fair," which she created with such marked success during the past season.

Another feature this season will be the famous Hall Johnson Choir of colored singers. On previous engagements at the Dell, the choir has met with outstanding success.

Following last year's policy, the operas and ballets will be presented Monday and Tuesday nights, with Thursday and Friday for soloists and other events. Wednesday nights again will have no concerts, except those which may be postponed from Monday and Tuesday by inclement weather.

The Philadelphia Orchestra gave a special concert for the benefit of the Robin Hood Dell season on Monday evening, May 23, at the Academy of Music. The concert was conducted by Mr. Ormandy with Zimbalist as soloist.

The Stadium Philharmonic Orchestra of Portland, Ore., is now making plans for its 1938 series of outdoor summer concerts to be held in the Multnomah Civic Stadium. This season marks the third successful presentation of this 70-piece orchestra under the direction of world-famous conductors and with outstanding soloists.

James J. Richardson, manager, announces the following dates and five of

the six conductors selected to date: Monday nights, July 11, 18, 25; August 1, 8 and 15. The conductors will be Jose Iturbi, Eugene Goossens, Artur Rodzinski, Richard Lert and Willem Van Den Burg. The sixth conductor has not yet been selected. Soloists will be announced about June 1.

Last season the Portland Stadium Philharmonic Orchestra presented Jose Iturbi, Vladimir Gloschmann, Vladimir Bakaleinikoff, Mischel Plastro, Efram Kurts and Lajos Shuk as its baton wielders. John Charles Thomas, baritone, was one of the soloists.

In its initial season, 1936, Nicolai Sokoloff and Hans Lange were among the conductors.

That the Stadium Philharmonic season in Portland, Ore., has struck a popular spot in the hearts of music lovers is attested by the fact that more than 36,000 persons attended the 1936 season and over 44,000 passed through the turnstiles in 1937. It is expected that close to 50,000 will be in attendance during the 1938 season.

Herman D. Kenin, president of the Musicians' Mutual Association, has been the leading light in the summer concert movement in the Pacific Northwest and mainly because of his interest in promoting employment for the musicians has the attendance reached such proportions.

The Bridgeport Symphony Orchestra under the direction of Frank Fotl, will play two concerts a week at Seaside Park, Bridgeport. The orchestra for the summer season will consist of 85 members.

A series of free summer concerts to be given in the City Park of Kalamazoo, Mich., was recently announced by the Kalamazoo Symphony Society. The orchestra of 80 members will be directed by Herman Felber, Jr. Soloists to appear with this orchestra during the 1938-39 season are Jose Iturbi, pianist; Herman Felber, Jr., violinist, and Frieda Snow Wall, pianist. Bernard Heinze, conductor of the Melbourne Symphony Orchestra of Melbourne, Australia, will be the guest conductor for the December concert.

The Baltimore Symphony Orchestra has announced that Werner Janssen has been engaged as permanent conductor of the orchestra. In making this announcement, the Society stated that it is now up to the city of Baltimore as to whether or not they will give the orchestra sufficient support to give Mr. Janssen a chance to build up a first-class orchestra.

At the final concert of the season, Mr. Janssen received an ovation which left no doubt in the minds of the audience that everyone in the huge audience had made up his mind to do his part.

The Kansas City Symphony Orchestra announces that it has signed Karl Krueger to a long-term contract as its permanent conductor. Mr. Krueger has been conductor of the orchestra for the past five years and has succeeded in whipping the orchestra into a first-class organization. The results attained by Mr. Krueger since the men of the orchestra have been paid on a weekly salary basis have been so fine that the board of directors of the Orchestra Association tendered him the long-term contract which he signed and returned late in March.

The Toronto Promenade Symphony concerts under the direction of Reginald Stuart opened on May 5 in the Varsity Stadium, Toronto. These concerts will continue through the summer and into the fall until October 13. They will be broadcast over the Canadian network and many of them through an exchange over the wires of the National Broadcasting Company in the United States.

At a concert given in Buenos Aires on May 8 in the Colon Theatre, an audience of more than 4,000 people occupied all seats and available standing room. Jose Iturbi was the conductor and received an ovation at the close of the program, which included the "Eroica" Symphony by Beethoven, four preludes of Richard Wagner, "The Dances" from "Three-Cornered Hat" by De Falla, and the premiere performance of the Argentine Humorous Symphony "The Gaucho With New Boots," by Giraldo Gilardi. This is said to be the first time that a house has been sold out in that city for an orchestra program that did not include soloists.

In commenting on the Palestine Symphony Orchestra, now in its second season, the London Observer states that this orchestra has become the center of the musical life of Palestine and the object of great devotion on the part of the public. The number of season subscribers during the first year was 2,420 and during this season it increased to 4,180. Bronislaw Huberman, the founder of the orchestra, has made it possible for people in all classes to hear the concerts by offering a subscription series for workers at greatly reduced prices. Of course, the fact that

Arturo Toscanini journeys to Palestine each year to conduct the orchestra has assisted wonderfully in carrying out the aims of the orchestra.

A royal conductor is Crown Prince Frederick of Denmark, who plays piano and violin and has composed several short pieces. He has always had an ambition to conduct an orchestra, and recently in Copenhagen he directed the Royal Opera House Orchestra in a reading of Wagner's Prelude to "Die Meistersinger" and the fourth movement of Tchaikovsky's "Symphonie Pathétique."

To avoid a repetition of the incident of last November where thousands stood in vain in line for tickets to the Toscanini concerts, the British Broadcasting Company accepted only mail orders for the series of six weekly concerts which opened on May 19. All applications had to be made by mail, and due to the fact that 14,000 applications were received for the 11,000 seats, it was necessary to assign the tickets by lottery, the same method used in the Irish Sweepstakes, to decide the fortunate ones.

Dimitri Metropoulos has been re-engaged as conductor for the 1938-39 season of the Minneapolis Symphony Orchestra, having signed a one-year contract. Artists already engaged for next season are John Charles Thomas, Kirsten Flagstad and Serge Rachmaninoff.

In direct contradiction to the rumor that Artur Rodzinski was leaving the Cleveland Symphony Orchestra, he has signed a contract for five years with an option for an additional five years. Making this announcement, Carl J. Vosburgh, manager of the orchestra, stated that Rudolph Ringwall, assistant conductor, had also been re-engaged. Georges Enesco and Albert Stossel have been engaged as guest conductors for the 1938-39 season. Soloists already signed are Jan Smeterlin, Adolph Busch, Erica Morini, Joseph Szigeti, Nathan Milstein, Artur Schnabel and Artur Schnabel.

The Vermont Symphony Orchestra closed its season of subscription concerts in Rutland, Vt., early in May. The orchestra, under the direction of Alan Carter, played concerts during the past season in Rutland, Bennington, Woodstock and Middlebury. It will play a series of four concerts in July in Woodstock, Manchester, Bennington and Brattleboro.

The Aberdeen, S. D. Symphony Orchestra gave its final concert on Tuesday evening, May 10, in the auditorium of the Northern Normal and Industrial School in Aberdeen. Corinne Frank Bowen, soprano, of Minneapolis was the soloist at this concert.

The Italian Symphony Orchestra of Philadelphia, Pa., a newly organized group sponsored by outstanding public spirited citizens of Philadelphia, gave its premiere concert on Saturday evening, May 7, 1938, under the direction of Maestro Luigi Carnevale.

The program opened with the overture "L'Italiana in Algeria" and concluded with "Sicilian Vespers" of Verdi. Included also were the Schubert "Unfinished Symphony" and two works by the conductor, "Capriccio Orientale" and an intermezzo which were admirably performed and well received by the audience. Honorable mention is made particularly of the "Capriccio" which is based upon a poem "Kaydo," by Dr. Vico G. Ciccone, who incidentally is president of the executive committee of the orchestra.

The soloist of the evening was Armand Di Camillo who played the "Rondo Capriccioso" by Saint-Saens.

Mr. Carnevale deserves commendation both for his masterly interpretation of the works and also as a composer. This concert definitely established Mr. Carnevale both in the conductorial and composing field. The entire program was conducted without a score.

The "Capriccio Orientale," a beautiful descriptive oriental fantasy, bids fair to become popularized if the acclaim accorded it at its premiere means anything.

However, it is pleasing to note that with the proper material and men, symphonic orchestras and music will receive their just acclaim and proper niche in any community. This effort conclusively proves that.

The orchestra was well rehearsed and responded most sensitively to the conductor's demand. Tonal balances, flexibility and tempi were creditable, considering that this was the first public concert.

The orchestra patrons and directors deserve praise and congratulations for this fine presentation which we hope is an augury for the future. The concert was a splendid artistic success and deserves the support of all music lovers of this community.

Grand Opera

Grand Opera is a precarious business no matter who undertakes it, and to organize a traveling company of lesser known singers and start out on the road is a hazardous undertaking. Hundreds of companies have started out in good faith, only to fold up after a run of a week or two.

Of the many traveling opera companies, only the San Carlo Opera Company has survived for any length of time, having been in existence now for over 25 years.

To date this company has given approximately 8,000 performances. It has been heard by 17,000,000 people and box office receipts are estimated at \$20,000,000.00.

Without social background, and minus the usual "angel" hovering about, the company continues its performances—30 to 40 weeks a year—giving entertainment that the public likes well enough to pay in full.

Mr. Gallo, the director, knows his public as well as his operas. To attract a large audience for grand opera it is most important to know what the people like—what operas they prefer to hear, and the kind of singers that appeal to the masses. The San Carlo Opera Company gives the public what it wants.

Mr. Gallo states that though he considers the San Carlo Company an educational institution he does not believe in trying to make people listen to music which they do not enjoy. However, taste in grand opera changes little, he continues, and though he experiments, trying out new operas now and then, he always comes back to the operas which pleased the people a generation ago. New faces and new voices are necessary, but the operas remain the same. "The old masters knew their business," Mr. Gallo continues, "and we cannot improve on them."

The operas "Aida," "Faust," "Carmen," "Rigoletto," "Boheme," "Traviata," and "Butterfly" have been sung as much as 1,000 times by this company, and one or two will have reached the 2,000 mark before long.

When the company played the Center Theatre in New York City last month there were no frills or embellishments—New York saw the same kind of opera that is presented in Oshkosh, and New York liked it.

The Center Theatre was a pleasant setting for the opera. The acoustics are good there, and a sense of intimacy is established by the design of the auditorium, although the seating capacity is about the same as that of the Metropolitan Opera House.

The only possible criticism of the theatre is the shallowness of the orchestra pit which creates the effect of too prominent an orchestral accompaniment.

During the first performance, which was "Aida," amplifiers were used for about 15 minutes in the first act, but the tone of the ensemble and even the individual voices sounded better when the public address system was disconnected.

The 13 performances given during the engagement attracted a total attendance of 50,000 and the house was sold out for every presentation but the first matinee.

The complete casts for the engagement were as follows:

"Aida," by Verdi, with Mmes. Bianca Saroya, Maru Castagna, Charlotte Bruno; Messrs. Arnoldo Lindi, Mostyn Thomas, Harold Kravitt, Natale Cervi, Francesco Curci.

Puccini's "Madame Butterfly," with Mmes. Hizi Koyke, Stella De Mette, Mildred Ippolito; Messrs. Franco Perulli, Mario Valle, Natale Cervi, Francesco Curci.

Gounod's "Faust," sung in French, with Mmes. Mary McCormic, Charlotte Bruno, Marion Selee; Messrs. Dimitri Onofrei, Claudio Frigerio, Harold Kravitt.

"Il Trovatore," by Verdi, with Mmes. Norina Greco, Maru Castagna, Norina Greco, Mildred Ippolito, Marie Carbone; Messrs. Enrico Mancinelli, Mostyn Thomas, Harold Kravitt, Natale Cervi, Francesco Curci.

Bizet's "Carmen," sung in French, with Mmes. Maru Castagna, Leola Turner, Mildred Ippolito, Alice Homer; Messrs. Arnoldo Lindi, Mostyn Thomas, Harold Kravitt, Natale Cervi, Francesco Curci.

Puccini's "La Boheme," with Mmes. Bianca Saroya and Leola Turner; Messrs. Dimitri Onofrei, Mario Valle, Harold Kravitt, Stefano Kozakevich, Natale Cervi.

Maacagn's one-act "Cavalleria Rusticana" with Mmes. Norina Greco, Charlotte Bruno, Marion Selee; Messrs. Enrico Mancinelli and Stefano Kozakevich.

"Lohengrin," in German, with Mmes. Bianca Saroya, Tyaba Szenderowna;

Messrs. Dimitri Onofrei, Mario Valle, Harold Kravitt, Stefan Kozakevich.

"Samson et Dalila," by Saint-Saens, sung in French, with Maru Castagna and Messrs. Arnoldo Lindi, Mario Valle, Harold Kravitt, Natale Cervi, Francesco Curci.

Verdi's "Rigoletto," with Mmes. Lucille Meusel, Stella DeMette, Alice Homer; Messrs. Dimitri Onofrei, Mostyn Thomas, Harold Kravitt, Natale Cervi, Francesco Curci.

"Otello," by Verdi, with Mmes. Bianca Saroya, Charlotte Bruno; Messrs. Arnoldo Lindi, Mario Valle, Harold Kravitt, Natale Cervi, Francesco Curci.

The indefatigable and extremely valuable Carlo Peroni conducted every performance during the Center Theatre engagement.

It is likely that the Metropolitan Opera Company may be on the road next spring for about six weeks—twice the length of the last tour. Boston, having thoroughly enjoyed its 10-day stay, wants two weeks of the Met's performances. Cleveland, whose packed houses gave one of the best weeks in Metropolitan road history, is asking for a longer visit.

Numerous other requests for opera have been received.

New Orleans, the first host of opera in America more than a century ago, is showing great interest in this northern organization; Dallas and San Antonio, Texas, are making inquiries; and Atlanta, Ga., formerly included in the company's itinerary, has expressed its desire to resume its association.

Regarding the Met's broadcasting plans for next season, N. B. C. is still in possession of an exclusive contract. So far a sponsor has not been found for the program although every effort is being made to do so. N. B. C. will continue to broadcast it as a sustaining program over its Blue network.

It is reported that N. B. C. pays \$100,000.00 annually to the Metropolitan Association under the contract which contains an indefinite clause.

The next season of the Chicago City Opera Company will consist of a seven-week period, beginning on Saturday evening, October 29, with "Otello." Giovanni Martinelli, Lawrence Tibbett and Helen Jepson will have the leading roles.

As in previous seasons, the company will rely considerably on the members of the Metropolitan Opera, as all but one of the engaged artists new to Chicago are from the Met. The exception is the young Californian basso, Douglas Beattie, who was so favorably received in his New York recital debut. The others are Dusolina Giannini, Bruna Castagna, Carl Hartmann and Nicola Moscona.

The Chicago Company is already giving special attention to its first "Butterfly," scheduled for November, by engaging Maria Rejning, European soprano, for the title role. Miss Rejning was heard in Vienna this past season in "Otello" in which Lawrence Tibbett made his Vienna debut, and she also sang in "Euryanthe" and "Die Meistersinger" during the last festival in Salzburg.

During the 38 weeks of its past season, the Hippodrome has presented a repertory of 19 operas in 94 performances, presenting 37 performances of Verdi, 15 of Leoncavallo, 14 of Mascagni, 12 of Puccini ("Boheme," "Tosca" and "Butterfly"), seven of Rossini ("Barber of Seville"), six of Gounod's "Faust," and a total of eight of Humperdinck, Ponchielli, Donizetti, Boito and Bellini.

The company launched 13 sopranos, three contraltos, seven tenors, three baritones, two basses and two conductors—a total of 30 debutants.

The Hippodrome Company reveals that extensive alterations will be made at the Hippodrome, extending various technical resources of the stage, and adding to the general comfort of its patrons.

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Mozart's "Magic Flute," surprising a number of opera-goers who expect opera to start more bombastically with such works as "Tristan," or "Rheingold."

As in past seasons the roster of singers at Covent Garden included several names familiar to audiences at Manhattan's Metropolitan, among them Lotte Lehmann, Kerstin Thorborg and Lauritz Melchior.

A distinct accent on German opera is shown in the season's repertory, with two complete cycles of Wagner's "Ring des Nibelungen" as its main feature. The staff of internationally famed conductors included Germany's Wilhelm Furtwaengler, Austria's Erich Kleiber, Italy's Vittorio Gui, and of course, the indispensable Sir Thomas Beecham. The latter has served for many years as Covent Garden's artistic director, and is regarded by his fellow Londoners as the "soul of Covent Garden."

In referring to the scheduled appearance of Sir Thomas Beecham's discovery, Margarethe Kubatski, in Covent Garden, the music critic of the *London Spectator* states: "At least let us be thankful that Covent Garden has for once taken a singer on her merits and not waited until her reputation has been endorsed by New York, her fees swollen and her voice nearly worn out. That has happened so often in the past 15 years."

The opera, "Costanza e Fortezza," by Johann Josef Fux, which was written and performed 215 years ago, had its first American presentation at Smith College on May 8. Johann Fux was a contemporary of Bach and Handel and highly valued as a composer in his time.

The opera was written to celebrate the birthday of the Empress Elisabeth Christina and was produced as one of the adornments of the coronation festivities of her husband, Charles VI, at Prague in the summer of 1723.

Werner Josten, Professor of Music at Smith, conducted the opera in concert form. He and his colleagues at the college have compiled an enviable record in recent years with their revivals of the old scores that are not only monuments in musical history but also worthy of contemporary hearings. Among their revivals have been Handel's "Julius Caesar," "Appollo and Daphne," "Xerxes," "Rodelinda," and Monteverde's "Coronation of Poppea," "Combattimento" and "Orfeo."

Bruno Walter plans to produce his "Salzburg" festival again this year, but it will not be staged in Austria.

The moment artists started asserting their political views France began making plans to get the festival. Versailles, whose musical tradition dates back to the days when French kings were entertained by Gluck, Rameau and Mozart, has already extended an invitation to Walter to locate the festival there. As plans are being made now the performances will be held weekly through the months of July and August.

Officials of the "Salzburg in Salzburg" festival are mapping a program to meet the Bruno Walter threat of a competing "Festival," in order that they may not lose their traditional place in the sun.

Instead of Arturo Toscanini and Bruno Walter, the Salzburg will have Wilhelm Furtwaengler as ace conductor. The program has been altered to substitute Goethe's "Egmont" instead of Gounod's "Faust." There will also be a new production of "Everyman," directed by Helms Hilpert, of the Berlin Deutsche Theatre.

The Philadelphia Ballet Company, with Catherine Littlefield as director, has been engaged to replace the Chicago City Opera's own ballet composed of Chicago dancers and headed by Ruth Page. Considerable civic feeling has been aroused as a result of the change.

The season opens October 20 and will continue until December 18, with each Tuesday evening given over entirely to the ballet.

Pavel Haas's opera, "Der Scharlatan," received its premiere recently at the National Theatre of Brno. The libretto, written by the composer himself, tells of the varied career of a medieval juggler. The work was well received, and hailed as the creation of a serious musician of much talent.

The latest opera of Gian Francesco Malipiero, "Antonio e Cleopatra," will be performed soon at the Florence festival, a little more than a year after his preceding opera, "Gullio Cesare."

The opera is being mounted by Oscar Walleck, Generalintendant of Bavarian State Theatres, who is also directing the open-air staging of "Die Walkure" in the Boboli Garden.

Name Bands

More than 9,000 people crowded into the Public Auditorium in Cleveland, Ohio, on Monday evening, May 2, on the occasion of the first annual "Melody Night" given by the Cleveland Local. Joint sponsors with the Local were the city of Cleveland and the Cleveland press.

The attractions were Paul Whiteman and his orchestra, augmented by the Cleveland Symphony Orchestra of 100 members; Paul Douglas, the famous radio commentator; Wayne King, the "Waltz King," and his orchestra, and Gene Krupa and his orchestra. All donated their services.

Paul Whiteman included in his program "An American in Paris" Suite by George Gershwin; Essay on Waltzes by Adolf Deutsch; "Tabloid" Suite by Ferde Grofe; the Rodgers and Hart song, "All Points West," with Bob Lawrence singing the part of the ill-fated train announcer, and several popular numbers. The first of these was a medley called "The Evolution of Swing." This medley was composed of "Tiger Rag," "Dardanella," "Dipsy Doodle," and Raymond Scott's "Power House." Others were "Thank You, Mr. Bach," "Minuet in Jazz," "Bei Mir Bist Du Schoen." Among the popular personalities appearing were Bob Lawrence, Joan Edwards, Al Gallodoro, Jack Teagarden, Goldie and Mike Pingatore. Mr. Whiteman's portion of the program closed with George Gershwin's famous "Rhapsody in Blue" with Roy Bargy playing the solo part.

The second half of the evening was given over to dancing, and when the floor was cleared Wayne King and Gene Krupa played until the wee hours of the morning. Mr. Krupa journeyed all the way from New York to assist the Local, and Wayne King was kind enough to play for several hours after having played 14 shows in three days at the Palace Theatre.

The proceeds of the affair were donated to the Park Board of Cleveland to be used exclusively for band concerts during the summer season. A movement is on foot to try to double the amount already raised so that a season of eight weeks can be provided from late June until early August.

Milton Kraus, President of the Cleveland Local, was chairman of the committee, and he with his fellow workers left no stone unturned to insure the success of the enterprise. The Civic and Commerce Association of Cleveland was so impressed with the magnitude of "Melody Night" that they are already making plans to help make the 1939 version "bigger and better."

Waldameer Park's beautiful Rainbow Gardens in Erie, Pa., burned to the ground on April 28. For 14 years this has been one of the main line stops for name bands. Two days after the disaster Mr. Moeller, the manager, announced that plans had been completed for re-building. The new pavilion will be ready for business on July 3.

Ted Lewis, the High-Hat Tragedian of Jazz, opened his first location engagement in many years on May 14 when he started an indefinite run at Topsy's Roost, Los Angeles.

Paul Sabin and his orchestra opened a four-week engagement on May 22 at the Syracuse Hotel, Syracuse, N. Y.

Lou Brees had his contract at the Ches Patee, Chicago, Ill., renewed for four weeks and will continue on that location until July 22. Brees's novelty of clicking off the tempos with his neon-lighted clock pendulum has made quite a hit with the Chicago patrons.

Isham Jones and orchestra, who closed recently at the Hotel Lincoln in New York, played a series of one-nighters and opened at the Lowry Hotel, St. Paul, Minn., on May 20.

Following Lang Thompson at the New Penn Club in Pittsburgh, Pa., are Charlie Barnet and his orchestra on June 10, Gray Gordon and his orchestra on June 24 and Lou Brees and his orchestra on July 29.

Ocean Casino, the new swank dancing pavilion at Virginia Beach, Va., opened on May 28 with Joe Haymes and orchestra. Mike Riley follows Haymes on June 17, continuing to July 1. Reg Childs is booked from July 2 to 22; Charlie Barnet from July 23 to August 5, and Barney Rapp from August 6 to 19.

Lang Thompson with his orchestra opened the Terrace Beach Club at Virginia Beach on May 30.

Don Bestor and orchestra opened a four-week engagement at the Adolphus Hotel, Dallas, Texas, on May 31.

In New York City, Richard Himber returned to the Essex House on May 27. Kay Kyser opened the Pennsylvania Roof on May 31. Al Donahue and his orchestra have returned to the Rainbow Room in Rockefeller Center, and Eric Madri-gueras is the featured band at Ben Marden's beautiful Riviera at Fort Lee, N. J. And last but not least, the ever-famous and popular Rudy Vallee opened the Astor Roof for the summer season on May 26.

The King's Jesters and their orchestra opened at the Hotel Sir Francis Drake in San Francisco on June 2. Their contract is for eight weeks with options for renewal.

Freddie Fisher and his Schnickelfritz-ers opened recently at the Trianon Ballroom in Seattle, Wash., for an indefinite engagement.

On May 25 the Bon Air Country Club in Chicago opened under its new night club policy, which is to feature name bands. Jack Denny is the first attraction.

Larry Clinton, who has skyrocketed to fame during the recent swing craze through his orchestra as well as such original compositions as "Dipsy Doodle," "Satan Takes a Holiday" and "Study in Brown," opened at the Glen Island Casino on May 26. While his orchestra is only six months old, it is now said to be booked for two years in advance. Following Glen Island, Clinton will play the Hotel Lincoln in New York and will also be featured as a name band attraction in the Paramount Theatre.

Orrin Tucker and orchestra, who will still be remembered for their entertainment at the Louisville Convention, opened at the Elitch Gardens in Denver, Colo., on May 13. Tucker will remain at this stand until the middle of June when he will return to the Edgewater Beach Hotel in Chicago.

Joe Sullivan, the ace swing pianist, has fully recovered from his two years' illness and is back in the harness again. Sullivan at the present time is directing his own band for Paramount picture recordings.

Johnny Hamp and his orchestra have been booked for the Ambassador Hotel, Atlantic City, N. J., for the summer months.

Jan Savitt and orchestra are booked for Hamid's Pier in the same city in July, following their engagement at the Arcadia International in Philadelphia.

Jimmy Grier and orchestra opened a three-weeks engagement at the Rice Hotel, Houston, Texas, on June 9. Woody Herman is booked to follow him on June 30.

Benny Goodman with his orchestra completed their two weeks engagement at the Ritz-Carlton roof in Boston on June 2.

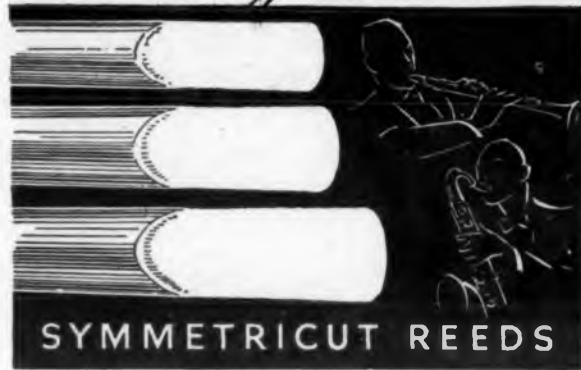
Henry Busse and his orchestra opened at the Eastwood Gardens, Detroit, Mich., on May 27.

Clyde McCoy and his "Sugar Blues" orchestra are now at the Hotel Claridge, Memphis, Tenn. They close there on June 27 when they will move into the Elitch Gardens, Denver, Colo., for three weeks.

Ramona, former vocalist and pianist with Paul Whiteman, has formed her own orchestra and opened a four weeks' engagement at the Nicollet Hotel, Minneapolis, Minn., on May 13.

Ferde Grofe is occupied with the composition of another important contribution

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to the American musical scene—the translation of the Kentucky Derby into the terms of modern American music. Grofe attended the Derby as the guest of the Kentucky Colonels' Association and was guest conductor of the Kentucky Colonels' Ball on Friday night, May 6. Part of his composition, "Kentucky Derby," was played at the ball and was broadcast from coast-to-coast by the National Broadcasting Company.

The Steel Pier at Atlantic City will use four name bands for the July 4 weekend. The two most famous are Benny Goodman and Hal Kemp.

Buddy Rogers and his orchestra followed Ozile Nelson into the Palomar, Los Angeles, Calif. Rogers is booked for four weeks and will be followed by Tommy Dorsey and his orchestra.

Hal King and his orchestra opened at Tri Lakes, Ind., on May 27 for a 12-week run. The orchestra has added a male trio for this engagement.

Probably no name band is better known in the east than Alexander Haas and his Budapest Gypsy Ensemble. Following his first broadcast over Station WJZ in 1926, Mr. Haas and his authentic Gypsy music have become increasingly popular until now you will find them present at most any of the "400's" social affairs. In addition to furnishing music for the Lucky Strike and the Eastman Kodak hours, his orchestra has played at the Hotels Astor, Park Lane, Sherry Netherland, Savoy Plaza and Waldorf Astoria. Mr. Haas has also been instrumental in returning orchestras into many of the dramatic theatres in New York City and has furnished music for the following productions: "Ode to Liberty," "Petticoat Fever," "Promise," "The Amazing Dr. Glitterhouse," "French

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Without Tears," "Yr. Obedient Husband," "Blow Ye Winds," "Having a Wonderful Time," "Bachelor Born," "Anatol," "Animal Kingdom," "The Good Fairy," "There's Always Juliet," "Dinner at Eight," "Personal Appearance," "Pride and Prejudice," "The Country Wife," "Three Men on a Horse," "Boy Meets Girl," "Brother Rat," "Yes, My Darling Daughter," "Tovarich," "Victoria Regina," "Once Is Enough" and "I Am My Youth."

A giant Carnival of Swing was given on Randall's Island in the Municipal Stadium on May 29 for the benefit of the Hospital Fund of Local 802. The music started at 11 o'clock in the morning and continued until late afternoon, when the spectators were all but exhausted. Among the orchestras that performed were Vincent Lopez, Benny Goodman, Duke Ellington, Hal Kemp, Artie Shaw, Woody Herman, Andrew Sisters (vocalists), Benny Berigan, Sammy Kaye, Gene Krupa, Bobby Hackett, Chick Webb, Ella Fitzgerald (vocalist), Adrian Rollini, Mal Hallett, Eddie Delange, Kay Kyser, Count Basie, Merle Pitt, Stuff Smith, Russ Morgan, Milton Herth, Will Hudson, Joe Marsala, Charlie Barnet, Edgar Hayes, Mike Reilly, Will Osborne, Wingy Mannone, John Kirby, Teddy Hill and Larry Clinton.

This benefit performance was unusual in that all orchestras were paid. Martin Block was general director and master of ceremonies.

HERE, THERE AND EVERYWHERE

The New York State Conference of Musicians was held in Saratoga Springs, N. Y., on May 21 and 22. There were 24 locals represented by 112 delegates. The delegates were about equally divided in reporting on conditions in their locals, about 50 per cent. stating that business has fallen off considerably and the other 50 per cent. that business is better. All affirmed that the Federation agreement with the Chain Affiliates and the closed shop policy on hotels and night clubs has been of great assistance in meeting the unemployment problem during the recent recession.

President Weber represented the Federation and gave an illuminating address in which he outlined the progress of negotiations with the affiliates, independent broadcasters and phonograph and electrical transcription manufacturers. Ralph Eycleshimer, President of Local 13, was elected President of the Conference; J. Leonard Bauer of Yonkers, Vice-President; Ernest Curto of Niagara Falls, Secretary-Treasurer. The 1938 fall meeting will be held in Buffalo late in September.

The Saratoga Springs Local was a generous host, providing splendid entertainment, buffet supper and dance in the famous Canfield Casino on Saturday evening. The Sunday business sessions were also held in the Casino. Upon adjourning at noon, the delegates were taken on an automobile tour through the famous spas at Geysers Park, following which a delectable dinner was served at Riley's on beautiful Saratoga Lake. The afternoon session, also in the Casino, continued until adjournment at 6:15 P. M., after which the Local served a Dutch lunch.

The New Jersey State Conference was held in Elizabeth, N. J., on Sunday, May 15. Fourteen locals were represented by 68 delegates. The main topics of interest to the Conference were matters pertaining to the New Jersey State Unemployment Taxes, the Foran Bill, which was unanimously opposed by the Conference, and the possibility of the Federation providing contracts that would protect leaders and contractors from unfair rulings by tax officials.

G. Bert Henderson, assistant to President Weber, represented the Federation and gave a splendid talk on the present status of affairs, more especially those pertaining to the independent radio stations and recorded music. The fall conference will be held in Trenton, N. J., the third Sunday in September.

Local 424, Richmond, Calif., gave a fine concert on Thursday, May 5, as their contribution to Living Music Week. Seventeen numbers were played by orchestra and soloists, running the gamut from grand opera to Larry Clinton and Spud Murphy arrangements of "Jangled Nerves" and "Abba Dabba." The concert was such a success that a great demand arose for a second performance, which was played the latter part of May.

Such cooperation cannot help having a salutary effect in the campaign for the return of living music in places of entertainment.

L. Wolfe Gilbert, veteran composer, has written a march entitled "The A. F. of L. March," which has been adopted by the American Federation of Labor as its official song. Through permission of William Green, president, this march now bears the label "Endorsed by the American Federation of Labor Convention." At a special event at the Hollywood Legion Athletic Club last month, Joe Colling, the band leader, played this march for the opening and exit numbers.

Local 267, Vallejo, Calif., held its annual banquet at the Vallejo Country Club on April 18, 1938. President Bill Stross, who has served the local for 22 years, was the chairman of the reception committee which greeted the invited guests. These guests included President Walter Weber, Secretary Eddie Love and Treasurer Clarence King of Local 6; President Jack Bennett and Secretary Gay Vargas of Local 424; and President Edward Wacker and Secretary Hilary Hensley of Local 541.

A special vaudeville show followed the banquet which was in turn followed by dancing for the members and guests.

The American Federation of Labor announces that the controversy of more than three months between Joseph E. Seagram & Sons, Inc., and the Calvert Distilling Company of Louisville, Ky., has been settled through the completion of negotiations with all unions affiliated with the Federation having jurisdiction over the various departments.

One of the most important executive positions in the music publishing industry went to Bernard Prager, last month, when he was appointed, by Jack Robbins, the general manager of Leo Feist, Inc., one of the "big three" Robbins enterprises. Prager, shrewd, genial, astute, has been for 11 years sales manager of the Robbins Music Corporation. He succeeds Jack Bregman, who resigned early this month.

For two decades Prager has been a significant figure in the business end of "Tin Pan Alley," and is known from coast to coast and admired by thousands of music dealers, retailers, jobbers, professional men, band leaders and song writers.

Prager began his brilliant career in 1912 as an office boy for the Joseph W. Stern Co. (later Edward B. Marks Music Co.) at the munificent salary of \$4.00 a week. He learned the music business from the ground up, advancing from errand boy to stock clerk, shipping clerk, packer, city salesman, road salesman and finally professional man and sales manager. He came to know at first hand every pedestrian detail of the music trade, as well as the more glamorous aspect of singers and musicians.

Weary of company and employer paternalism carried to the extreme, although as non-union workers enjoying fair wages and terms of employment, including outstanding community environment, but inspired by a desire for self-help, a group of the Hershey employees applied for a charter from the Bakers' International Union in February, 1937, now more than a year ago. Immediately thereupon, before the Union and International membership was established, the CIO, in spite of the protest of the International Union to John L. Lewis and other CIO "tops," went into Hershey, Pa., and with high-sounding phrases, including irresponsible promises, raided and captured this group of workers who had applied for a charter from the International Union.

When the Bakers' Union determined that the workers concerned did not desire its leadership and had turned to the CIO, rather than become involved in a triangular contest in an unorganized and anti-union locality, the International Union withdrew and left the field to the CIO crowd.

What has happened since then is now history, and, as the International Union surmised, after one year's experience with irresponsible and raiding CIO leadership and inexperienced company union leadership, the Hershey employees eventually turned to responsible and constructive A. F. of L. leadership under the International Union and are now being organized by the Bakery and Confectionery Workers' International Union of America. Between 2,400 and 3,000 employees are involved.

As soon as a majority of the employees' membership has been established, it is planned to obtain certification by the National Labor Board for sole collective bargaining rights, and when successful the prestige therefrom is expected to assist in unionizing the entire confectionery industry of the Nation.

By this experience it has been firmly established that raiding and dual unionism does not pay. In the last analysis, the workers will turn to responsible unions and leadership.

Milton Krasny, President of Local 4, Cleveland, Ohio, has caught the fever and submits the following on the Business Agent:

HEAVEN

If the Business Agent writes a letter,
It is too long;
If he sends a postal,
It's too short;
If he attends a committee meeting,
He is butting in;
If he stays away,
He is a shirker;
If he tries to collect dues from members,
He is insulting;



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He is incompetent;
If he does not,
He is bullheaded;
If he writes his reports complete,
They are too long;
If he condenses them,
They are incomplete;
If he talks on a subject,
He is trying to run things;
If he remains silent,
He has lost interest in the organization;
If he is caught at the hall,
Why doesn't he get out?
If he can't be found,
Why doesn't he come around sometime?
Ashes to ashes,
Dust to dust,
If the others won't do it—
The Business Agent must.

The Semi-Annual Conference of the Wisconsin State Musicians' Association was held in Superior, Wis., on Sunday, May 1. Despite the fact that Superior is located in the extreme northwestern corner of the state, 13 locals were represented by 31 delegates. Invited guests from neighboring states who attended were President George E. Murk, Vice-President James G. Remfrey, Secretary Stanley Ballard and Lee W. Lovering of Local 73, Minneapolis, Minn.; Secretary Edward Ringius of Local 30, St. Paul, Minn.; President Joe Tacholl and Secretary Lloyd M. Kretzler of Local 459, Virginia, Minn.; Claude E. Pickett, Secretary of the Mid-West Conference and of Local 75, Des Moines, Iowa; and William V. Arvold, State Director of the Federal Music Projects of Wisconsin and honorary member of Local 166, Madison, Wis.

A number of important problems were discussed, including the State Social Security Tax, State Band Tax and other methods of securing summer band concerts, the Coffee-Pepper Bill, contracts and collection of tax, and Federal Music Projects. The Conference, by unanimous vote passed a resolution opposing any cut in the wages paid on any of the Federal Art Projects.

Traveling Representative W. B. Hooper represented the Federation and gave an address in which he outlined the activities of the International Executive Board in the radio and recorded music field, citing the fact that more than one thousand musicians had been placed on permanent engagements and that considerable progress was being made in the negotiations with the independent radio stations. State Director William V. Arvold gave an inspiring address on the development of music in Wisconsin. Mr. Arvold stated that the symphony orchestras, concert bands and other units of the Federal Music Project had rendered yeoman service in this development.

The Conference passed a resolution commending the International Executive Board for its success in coping with the radio and recorded music program.

Local 260, Superior, Wis., and its committee headed by President Charles E. Ashby and Secretary James W. Smith,

(Continued on Page Fifteen)



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WISDOM

No man is justified in doing evil on the ground of expediency.

—THEODORE ROOSEVELT.

Conventions

THE Forty-third Annual Convention of the American Federation of Musicians will undoubtedly be the largest in the history of the organization as well as one of the most important. The rank and file of local unions are sometimes prone to view a trip to the Convention as a pleasure jaunt, rather than a most serious piece of business. The Convention of the American Federation of Musicians is its congress, which considers all matters pertinent to the welfare of the organization and adopts laws to govern all members. It is one of the hardest working conventions in all organized labor, and any delegate who attends every session is well aware that he is not at a picnic.

Delegates who serve on committees often work the better part of the night in addition to attending two sessions a day of the convention. Verily, attendance at our convention is no pleasure jaunt, but a necessary adjunct without which the Federation could not function properly. It is democratic in that every delegate has an equal chance to be heard, no matter what the size or importance of the local he represents may be. As long as the local unions take their conventions seriously, the constructive policy of the Federation cannot help but continue. Let no member hold them lightly.

Relief in the States

NEXT time any reactionary tells you that all relief should be handled by the separate states, tell him this:

That three separate states, Illinois, Ohio and Kentucky, were holding special sessions in the same week to make relief appropriations, and that other special sessions have been and several more will need to be held for the same purpose.

That 34,000 families admitted to be destitute in Cook County, Ill., received no relief allotments for May.

That only by "the poor dividing their scanty meals with the poor" has stark starvation been kept out of several industrial cities in Ohio.

That "leaving it to the states" is mainly a scheme which would permit reactionary interests to concentrate on each state in turn to smash relief to the smallest possible amount.

Democracy

IN these days of dictatorship and oppression, we are often apt to be so intent on the things that are happening abroad that we fail to count our own blessings at home.

The United States is one of the few remaining democracies where a citizen has the privilege of expressing his viewpoint without fear of punishment. Labor unions not only are permitted to exist, but under the statutory laws of the United States the right of collective bargaining with the employer is assured by the government.

True, there are many things in this country that still need adjustment, but wonderful progress has been made in the last 73 years since the Civil War. Whatever may be wrong with the country should not make us lose sight

of the fact that we are actually living in a democracy. Members of organized labor should be especially appreciative of that fact and not only be thankful but do everything in their power to help preserve the government of the great democracy in which we live.

Labor Standards Applied "Blindly"

THE New York Times, continuing its opposition to the Federal Wage and Hour Bill, which the House of Representatives passed by the overwhelming vote of 314 to 97, criticizes the measure because its wage and hour standards "apply automatically and blindly."

It is instructive to note just what effect this automatic and blind application of labor standards will have on the workers coming under the jurisdiction of the bill.

The bill prescribes that for the first year after it goes into effect no employer in the United States operating a plant in an industry within the scope of the law shall pay any employee—man or woman, old or young, white or colored, citizen or alien—less than 25 cents an hour or work such an employee longer than 44 hours a week. For a full week's work of 44 hours this amounts to the inadequate wage of \$11.00. For the second year, the minimum wage will be \$12.60 for a 42-hour week. For the third year the minimum wage will be \$14.00 for a 40-hour week. For the fourth year and thereafter the minimum wage will be \$16.00 for a 40-hour week.

Working men and women, whether they live in the North, the South, the East, or the West, know from actual experience that even these minimum wages will not enable the average worker's family to secure the necessities and comforts required by good living standards. This fact is also well known to every other intelligent person familiar with the minimum standard of decent living conditions.

And yet we see newspaper owners, lawyers, financially endowed by large corporations and a minority group of congressmen espousing the peculiar philosophy that American prosperity depends on the continuance of indecently low wages paid to those who do the useful work in the production of commodities (which, by the way, are the exclusive property of employers and are sold by them for a profit).

These low wage rates are a disgrace to civilized society. They will be definitely ended by making the Federal Wage and Hour Bill the law of the land. The House of Representatives has done its duty in passing the bill. Working men and women believe that the Senate will act promptly and affirmatively in its consideration of the measure.

The Church and Child Labor

THE Southern Baptist Convention at its recent meeting in Richmond, Va., adopted a resolution of its Social Service Commission recognizing the principle of collective bargaining by workers and urging arbitration as a method of settling industrial disputes.

Another commission resolution adopted by the convention approved child labor legislation by States, but opposed the Child Labor Amendment to the Federal Constitution, which has already been ratified by 28 of the 36 State legislatures required to make it a part of the Nation's fundamental law. Virginia is one of the States whose legislatures have persistently voted against the amendment.

It is regrettable that the Southern Baptist Convention after approving collective bargaining, which is the basic principle of the American Federation of Labor and other bona fide labor organizations, should have then lined up with the reactionary forces in our industrial life who desire to perpetuate the exploitation of children for private profit by blocking the approval of the Child Labor Amendment, which is the only method by which children in every State can be protected from the greed of profit mongers who care nothing about the injustice imposed upon children chained to the chariot wheels of industry so long as additional gain is extracted from this unholy and un-American policy.

In sharp contrast to the action of the Baptist Convention, many other religious groups have been unflinching in their support of the Child Labor Amendment as fundamental in the movement to prevent the employment of children for profit in industry and commerce.

We Can Have Safety

WE'LL get highway safety—when we want it! That is the opinion of W. Earl Hall, president of the Iowa State Safety Council.

"When nine out of 10 persons want safety, we'll be on our way to having safety," says Mr. Hall. "It will work out this way:

"The nine will turn to the educator, the engineer and the enforcer—the personalities behind the three E's of safety—and say this: 'We want this problem solved. We're willing to pay the price and we're willing to cooperate in the fullest measure.'"

We have all the essentials of safety at hand. Our road builders have made remarkable strides in giving us

streets and highways designed to eliminate as many of the hazards of driving as possible. Our automobile makers have worked miracles in improving lights, brakes and other mechanical safety factors. Over a long period of time, our state traffic codes and standards of law enforcement have tended to steadily improve, even though much remains to be done.

Where, then, is the fault? Why did last year's automobile death toll reach an all-time high in excess of 40,000? The answer is plain. We talk about safety—but a great many of us aren't willing to do the things that create safety. It's easy to pan the other fellow—and at the same time to excuse worse faults in ourselves. We condemn recklessness—and then go out and drive at high speeds. We argue convincingly that courtesy in driving is vital—and then hog the right-of-way. We have nothing but condemnation for the drunken driver—and then we go to a party, drink all evening, and drive home.

Yes, we can have safety—when we really want it. It's squarely up to us all.

Brandeis Wins Long Fight

MR. JUSTICE BRANDEIS, some weeks ago, saw his 16-year struggle for common sense in one big matter of taxation crowned with success. In 1922, the Supreme Court, by a vote of six to three, declared that a state, Oklahoma, could not tax the profits of oil companies which operated on lands leased from the United States. Brandeis led the dissenters. Ten years later, in 1932, the Supreme Court, by a vote of five to four, declared that the United States income tax could not be applied to the profits of oil companies which leased lands from Oklahoma. Justice Brandeis wrote one of the strongest dissenting opinions that even he ever penned; and Justices Stone, Roberts and Cardozo joined him.

In March of this year, the matter came up again; and this time Brandeis was on the winning side. Chief Justice Hughes wrote the decision, in which he said:

"We are convinced that the rulings in *Gillespie vs. Oklahoma* (1922), and *Burnett vs. Coronado Oil & Gas Co.* (1932), are out of harmony with correct principle and accordingly they should be, and they now are, overruled."

Let no one imagine that this is a small thing. Congressman Lewis of Maryland, a profound student of taxes, estimates that the court's decision in 1932 has cost the Federal Treasury at least \$3,000,000,000.00. Quite a number of men could be put to work on three billion dollars.

International Co-operation at Work

IN a world worried by wars and rumors of wars, it is cheering to see international co-operation for improvement of labor and economic conditions. This kind of co-operation—tending to peace, not war—is practiced by the 62 states belonging to the International Labor Organization.

Reports of recent progress in such international co-operative endeavor comes from the I. L. O. in Geneva. Word has just been received there of the ratification by New Zealand of 22 international labor conventions, or treaties, six of them dealing with hours of work in industry or commerce.

The I. L. O. says that the New Zealand ratifications bring the total number of ratifications of international labor conventions registered in Geneva to more than 800.

Another example of international co-operation reported by the I. L. O. is a world silicosis conference, to be held next September. The United States and other important nations will be represented.

What the I. L. O. is doing demonstrates that international co-operation for the betterment of mankind is possible, despite the sword-rattling and bombastic talk of egomaniacal dictators.

You Can't Pay For Fire

IF you're wise, you protect your property with fire insurance. But don't let this lull you into a feeling of false security. For nothing can completely pay for fire.

It is impossible to adequately compensate for loss of time, of business, of opportunity, of employment. Nor can we pay for human lives with dollars.

In brief, fire insurance, invaluable as it is, can only cover the tangible losses of fire. It cannot cover all the intangibles or the indirect loss—and these constitute by far fire's greatest toll. Replacing burned furniture will not make up for the destruction of a home. Nor will replacing machines make up for a burned factory.

That is why fire prevention work should be done by everyone. There are scores of instances on record where men have been ruined by fires—in spite of having sufficient insurance to cover all direct loss. If your place of business burns, your trade will go elsewhere, and you may find it impossible to get it back. If the place where you work is ravaged by fire, your job will go up in smoke with it—and no insurance can cover that.

During recent years the annual fire loss has stayed at about the same level—in excess of \$200,000,000 a year. Most of that waste could be prevented. It constitutes an inexcusable and unnecessary drain on the nation's resources. Knowledge and vigilance will turn the trick.

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No. 12

PRESIDENT'S REPORT TO THE TAMPA CONVENTION

To the Delegates of the
Forty-third Annual Convention:

IN compliance with the Laws of our Organization, I herewith submit to the Delegates of this Convention, and through them to the membership at large, this report of the state of our Organization and the activities of the President's office during the fiscal year 1937-38.

Together with this, full explanation is also made of the activities of the International Executive Board in reference to their negotiations with the broadcasting industry which continued for many months.

The report is submitted in the endeavor to inform the Convention of all which is germane and pertinent to the interests of our Organization. Explanations of conditions are made in all candor to which the Delegates are entitled so that they may determine the future policies of our Organization and regulate the professional relationship between members and their relationship with our employers with full foreknowledge of same.

The Federation is now in its forty-third year and has developed into a position in which its opinions in reference to professional musicians are accepted as authoritative and commanding. This is the result of far-seeing, progressive and constructive activities of all our conventions which forever followed a policy to treat with realities and to conform to changed conditions in order to regulate them in the interests of our members and therefore made constructive efforts which resulted in benefits to our general membership.

PREAMBLE

Radio, Phonograph, Electrical Transcriptions

The radio industry is comparatively new. It depends in large measure upon vocal as well as instrumental music. However, the number of musicians employed by it was never in fair relationship to the volume of instrumental music received by the industry either through direct musical services of musicians, music by remote control, or through recorded music.

As the industry developed, corporations were formed which organized transcontinental networks with hundreds of affiliates. This did not lead to the employment of more musicians; on the contrary, the result in many instances was a decrease of such.

The radio industry became immediately important to the phonograph recording industry which ante-dates it. The development of the phonograph industry never was calculated to create employment opportunities for musicians; however, the use of its product came to threaten this employment and at length this became especially marked in the radio industry.

The electrical transcription industry is of comparatively new origin. The market for its product is chiefly confined to radio, but threatens to extend eventually to other fields. Its product has the tendency to displace musicians as well as to reduce their employment opportunities.

All these conditions in the radio, phonograph and electrical transcription industries gave musicians concern and caused them to protest to their International Organization. At the 1937 convention of the Federation, many resolutions were introduced concerning the matter. The convention referred these to the Board with instructions that within thirty days it should begin conferences with the repre-

KEY TO REPORT

In the following report references are made to Broadcasters, Affiliates, Networks, Key Stations, Independents, the National Association of Broadcasters and others. These various parties will be referred to in this report as:

NETWORKS meaning the combined stations of affiliates with coast-to-coast radio chains, such as

NATIONAL, COLUMBIA and MUTUAL, meaning Corporations which have formed networks.

AFFILIATES meaning independent broadcasters which are affiliated with the networks.

KEY STATIONS meaning stations which are owned by the National, Columbia or Mutual from which principal coast-to-coast programs emanate.

NAB meaning National Association of Broadcasters.

RECORDERS meaning manufacturers of electrical transcriptions and phonograph records.

FEDERATION meaning American Federation of Musicians.

BOARD meaning International Executive Board.

MEMBERS OF THE INTERNATIONAL EXECUTIVE BOARD OF THE A. F. OF M.:

C. L. Bagley, Fred W. Birnbach, Harry E. Brenton, A. C. Hayden, C. A. Weaver, James C. Petrillo, J. W. Parks, Walter M. Murdoch.

INDEPENDENTS meaning Radio Broadcasters not affiliated with any network.

CHAIRMAN meaning Joe N. Weber, the President of the American Federation of Musicians.

NATIONAL meaning the National Broadcasting Company.

COLUMBIA meaning the Columbia Broadcasting System.

MUTUAL meaning the Mutual Broadcasting Company.

ASCAP meaning the American Society of Composers, Authors and Publishers.

DUBBING meaning the transferring of the record of music on an electrical transcription or phonograph to some other record without the consent of the musician, thereby eliminating the cost for musicians to make such record.

sentatives of all the industries named in an effort to correct the situation.

As a consequence of these instructions, the Board considered everything germane to the proper performance of its mission and prepared certain demands, which in the form of stipulations were to be submitted by it to the industries named for the purpose of reaching an agreement with them, squaring with the instructions of the convention.

During the consideration of these stipulations the Board became especially interested in the question of demanding royalties from every radio station which used musical records made by our members. It was proposed that the money so collected should be utilized for the employing of musicians either at the station from which royalties were collected or, if the amount should be insufficient, to be turned into the treasury of the local for relief purposes. However, it immediately developed that we would have to overcome insurmountable difficulties to make such a policy effective. One of these for the present at least, is that the collection of royalty could not as yet be based upon a musician's well established property right in records. Furthermore, whether, if royalty could be collected, the musicians making the records would be the sole parties entitled to same. It was also found that a great number of stations had rather insignificant gross earnings and used relatively more recorded music than more prominent stations and yet by reason of their insignificance the amount of royalties, if paid by them, would not be sufficient to employ any musicians. Some other method, it appeared, would have to be devised to raise funds for the employment of more musicians in the radio industry.

In connection with this, it might as well be stated that the mere collecting of royalties has for its only purpose to increase the earnings of those who have made the recordings and has no value whatsoever to the mass of the musicians. The Federation is not opposed to its members increasing their earnings and so far has been helpful in establishing musicians' rights to royalties. However, to establish property rights in recordings is no mean undertaking. The task requires patience. It would mean incessant efforts and the expenditure of time and money. In fact, the effort made must, for the time being, overshadow all our other activities. Congress must be importuned to consider the question. The time for this is not now as "new deal" legislation intended to benefit the masses, and not

particular legislation benefitting only a small portion of our people, is receiving the attention of Congress. Furthermore, a bill must be drawn which will not leave the impression that its purpose is only to increase the earnings of a few through collection of royalties instead of benefitting the mass of musicians.

A study of the question of procuring property rights for musicians in recordings will disclose many difficulties and possibilities. For instance, if manufacturers make an effort to secure a copyright in the recordings which they manufacture, they may be in a better position to be successful than we, for the reason that after a record is made, it represents a tangible property, whereas the services of the musicians while making the record are intangible.

In England Parliament enacted a law which provides, in effect, that copyrights shall subsist in records, and the person who is the owner of the original plate at the time it is made shall be deemed to be the author of the work. That means that after a plate is made then the manufacturer who owns it has the sole copyright therein. The same principle seems to underlie an amendment which Congress passed in 1912 providing for copyright in motion pictures, which granted property rights in the film of a picture to the person who produced it.

Our organization takes the position that phonograph records should not be used commercially without additional compensation to the players who made the recordings. Whether this can be brought about by securing for the musicians a property right covering their services rendered during recording, in spite of the fact that the manufacturer may have secured the sole right in the finished record as tangible property, remains to be seen.

Of course we will contend for the former. However, the question arises, if we secure such copyright, as to what a person desiring to use a record would have to do to secure the musicians' agreement to such use. Every member of an orchestra who played for the record would have a right to either grant or withhold consent to its use and every one of them could make different stipulations as to conditions under which he would agree that the record could be used. This is true unless we agree that the ownership in the copyright covering the manner in which a musical number is produced rests with the leader in whose employ the musicians actually were when the record was made. If this is to be the understanding the interests of the Federation in the mat-

ter would be narrowed commensurate with the number of members benefitted, which would be small if compared with the entire membership of the Federation.

Now then, verily, it is a question which is much involved and many difficulties will have to be overcome to solve same.

I am sure that these explanations will suffice to properly acquaint you with the difficulties in the way of securing through Congress, a property right in the manner in which a record is played, which we must agree is different with every organization as all of them have their individual way of playing numbers, even though the distinction may often be difficult to observe.

All the above is the truth in the question of securing property rights for our members in their musical renditions—all claims to the contrary notwithstanding.

In connection with all this let it be said that the Federation fought for 25 years to have Congress enact a law providing for the prevention of enlisted men in the Army and Navy from competing with civilian musicians and, through the President's office, fought for many years before it was successful in having the Immigration Law amended so as to prevent foreign musicians from entering this country under contract, or under the pretext of being artists for the purpose of taking engagements which American musicians should play.

In all its activities the Federation is content to plug along to protect its members and benefit them through activities of which the members are often not aware.

At this time approximately 689 radio stations are maintained in the United States. In 300 jurisdictions of our locals, there are none. One hundred and fifty-four broadcasting stations are situated in cities or districts where we do not maintain unions. Dividing the stations between commercial and non-commercial stations, the last named known as educational, we find the following:

Of the 689 radio stations in the United States, 600 are commercial, of which 470 are in the jurisdiction of 277 locals. The larger cities have several stations. In Canada out of 56 commercial stations there are 33 in the jurisdictions of locals. In the United States we have 48 commercial stations in districts and towns in which there are no locals. Of course it is understood that these figures are approximate and fluctuate.

The broadcasting stations differ in power, from 100 to 50,000 watts with one station of 500,000 watts. In the neighborhood of 200 stations operate on 100 watts. The income of many of these low-watt stations is so low that the employment of musicians is out of the question as will hereinafter be more fully explained.

Many stations do not use phonograph recordings. However, almost all of them use electrical transcriptions. The economic value of a station is not always determined by its power or wattage.

A station with a low wattage situated in a popular district may outclass in value a station of a much higher wattage situated in a less populous district.

The radio stations sell their time for advertisers for local as well as network programs. The charge for a 15-minute program going over a network is at times many times higher than the charge for a local broadcast. For a time the President's office carefully considered suggesting to the International Executive Board that our demands that the radio stations

should expend more money for the employment of musicians and the raising of the necessary funds to do so be based upon the amount the broadcasters charged their advertisers for 15-minute programs. Such charge is commonly known as spot charge, and divided into a local and network charge. Only a few broadcasters, affiliated with networks, derive their entire revenue from such. The network spot charge applies if a broadcaster receives a sponsored program from the key station of a network, and the local's spot charge applies if a sponsored program originates in a local station for local use or is sent only, to a few stations over a network. The radio corporations, in order to be able to offer sponsors the opportunities for transcontinental advertising over their key stations, formed radio networks. The individual broadcasters belonging to such a network receive from the corporation pay for the time their stations which they place at the disposal of the key stations for their transcontinental advertising programs and in addition thereto receive from same the great sustaining programs of famous orchestras.

Spot charges, national as well as local, differ greatly. The local broadcaster establishes charges for local broadcasting and the broadcasting corporations for network broadcasting. There are many 100-watt stations which have a very low local spot charge.

For all these reasons, it became obvious that the spot charge of a station could not possibly be used as a yardstick as to how much money the Federation should require a station to expend for the employment of musicians. Had we applied such a yardstick, which of course would have had to be based upon the national spot charge, then the result would have been that some smaller stations which had perhaps only one, or at least very few transcontinental programs during a week or month, would have had to pay as much for musicians as a station which had almost all its time occupied by such programs.

As an illustration, will say that as we were inclined to insist upon at least four times the amount of the highest national spot charge, it would have meant that smaller stations, and there are many, which had a \$75.00 national spot charge, with only very few transcontinental programs per week (at times only one) would have had to expend for musicians during such week \$300.00, and this would have practically exhausted their incomes. For these reasons the Federation finally insisted that the raising of the necessary funds to employ musicians was a proper function for the broadcasters and not for our Federation. It became obvious that the method to be used by the radio industry to raise the money to meet our requirements had to be entirely left to the industry.

The Board conforming to the instructions of the Convention, was ready to begin the conferences with the radio and recording interests at the time named; however, the question arose as to how successful we might be in merely sending a formal invitation to the representatives of these industries to meet us in conference.

It was mid-summer and vacation time and this held out the danger that an attempt to confer with the representative part of the industry might be found a forlorn proposition. Therefore the following letter was addressed to them in the effort to convince them of the importance of the conference:

AMERICAN FEDERATION OF
MUSICIANS
New York, N. Y.

July 13, 1937

Gentlemen:

Kindly be advised that members of the American Federation of Musicians will cease to render services at any broadcasting station from August 14, 1937 on, unless radio networks, corporations or broadcasting systems and the American Federation of Musicians have meanwhile agreed to the regulation of the indiscriminate use of phonograph records or electrical transcriptions for profit. The withdrawal of musicians will include all

members of the Federation who render services at any radio station for sustaining programs, sponsored programs or whose services are transmitted from any place by remote control. It will extend over any network and its affiliates as well as all individual radio stations throughout the jurisdiction of the Federation in the United States and Canada.

The International Executive Board of the American Federation of Musicians will meet in session in the City of New York on Thursday, July 29, 1937 at the headquarters of the President of the Federation, 1450 Broadway and will remain in session several days thereafter. The meeting is called for the purpose of inviting you to confer with the Board to, if possible, come to some agreement with it concerning the matter.

If you fail to respond to this invitation, then you will, of course, leave the Federation no other alternative except to hold that your Corporation, organization, broadcasting system, individual station or network is no longer interested in having services rendered to it by members of the American Federation of Musicians from August 14, 1937 on.

Awaiting your reply, I remain with best wishes,

Yours very truly,
(Signed) JOE N. WEBER,
President,

AMERICAN FEDERATION OF MUSICIANS.

Conferences With Recorders

As a result of the President's letter all conferences, the first of which began on July 26, 1937, were well attended by representatives of the industries named. In addition to representatives of the National, Columbia and Mutual networks, individual broadcasters, the President of the NAB and representatives of electrical transcription and phonograph manufacturers attended.

Two sets of stipulations prepared by the Board, one to regulate the services of members of the Federation in recordings, the other in broadcasting were laid before the conference. The industry of manufacturing electrical transcriptions is to a large degree dependent upon the radio industry as a consumer of their products. The phonograph industry has a diverse market for its product.

At the first conference, the question of regulating the services of musicians in the electrical transcription and recording industry was considered, the representatives of the radio industry merely sitting in for the purpose of becoming acquainted with the demands which the Federation made upon the recording manufacturers, as naturally, being greatly dependent upon their product, it became necessary that they become acquainted therewith.

Therefore at the first conference, only our demands upon the recorders were considered. At the opening of the conference (it meant the beginning of a six-months' struggle) the Chairman made the explanation that the purpose of same was to find ways and means to put more musicians to work; that the uncontrolled and unregulated services of musicians in the recording industry placed the entire membership of the Federation in a position to be active in a field which slowly but surely had the tendency to destroy most of their employment; that 13,000 musicians were on governmental relief and principally on account of the mechanization of music; that the Government had reduced the number of workers on relief by 25% on the assumption that they would be absorbed by the industries in which they were formerly employed; that the American Federation of Musicians had immediately become active to see if this could be done but whereas many, many thousands of other workers had been re-employed by the industries in which they were formerly employed, not a single musician was thus re-employed; that the members of our organization remained as badly off as they ever were before and therefore our Federation had taken the matter in hand to see what could be done to further their interests and create employment for musicians; that one of the prime reasons for the unemployment of musicians was and is, the uncontrolled use of recordings which are multiplied and duplicated by the thousands and then sold to and used in places

where otherwise musicians would be employed. Furthermore, that recordings are sometimes made without the knowledge of musicians, i. e., pilfered from the air. There are thousands upon thousands of records of stolen music in use. By reason of all these conditions, the membership of the Federation became restive. Delegates from the unions to which they belonged introduced resolutions at our last convention ranging from propositions to stop recordings of all kinds to propositions to regulate same. The convention held that the matter was referred to the Executive Board to take such action as it may deem expedient.

In addition to all the foregoing, which covered the economic side of the question, the following statement was made to the conference: That on the cultural side of the question, the recorders were as interested as we, as in the narrowing of the employment field of musicians continued, the incentive for musical talent to develop would soon be non-existent and, therefore, it would only be a matter of time when recorders or others who need the services of musicians would have to pick from a greatly reduced number since, if musicians cannot find employment, good musicianship will reach a lower level and the rendition of good music will become the exception rather than the rule.

In the cultural side of this question, not only the Federation but the public itself is interested. Of course, as a labor organization, our Federation, even though its members are active in the field of art, must, especially under present economic conditions, be primarily interested in the employment opportunities of its members and, as best it can, further them.

As this conference was to consider what would be done to give musicians relief from the results of the use of recordings which unfavorably affect them, the question might well be asked, how could the matter be best regulated. For this purpose, the Board prepared stipulations or rules which it desired to submit to them and invited them to discuss same with us. If in lieu of our propositions they had some others to offer, it was proposed that we would be interested listeners as, we desired if possible, to have the matter amicably adjusted.

Thereupon the stipulations were read to the conference, and thereafter considered seriatim.

The Chairman stated to the conference that there is only one thing that the Federation cannot as yet complain of so far as recordings are concerned, namely that no robot has as yet been invented which composes music, and no robot has as yet been invented to transform a musical composition into sound so that same can be recorded. It is understood that if such inventions had been made, that the Federation would have had to disband as it would have been forced to agree that there was no further place for living music. He states that we were as yet still dependent upon the living element in the art of music.

Thereupon the first stipulation was read, to wit:

There would be no objection to recording for home use or for any use outside of the United States and Canada.

Mr. Kaufman, a recorder, asked whether there would be any objection against the manufacture of electrical transcriptions for audition purposes to be submitted to clients for the sake of various units, explaining that some such records were taken off the air but not commercially used.

(Note: Records taken from the air means the making of a record from a radio program at the place in which it is received. The musicians playing such program are generally not aware that the record is made.)

This resulted in a lengthy discussion in which the recorders and members of the Board, inclusive of the Chairman and Attorney Friedman, participated. As a result, the Board agreed to take the following under advice:

"That there would be no objection against making of records for audition purposes but that such recording

would have to be controlled by the Federation."

Next, the conference considered the following:

"Members of the Federation will not in future make records which are to be used for profit unless musicians are employed in the place or establishment where so used."

The Chairman called the attention of the conference to the fact that this proposition clearly established the position maintained by the Federation, more especially in regard to radio, that it involved every employer in the radio industry and that if we can come to some agreement concerning it, all the other difficulties would eventually adjust themselves.

Then the following was read and discussed:

"The Federation is ready and willing to permit their use (records) in such places and for such purposes as radio, if it comes to some agreement with the employers using such records as to the number of musicians to be employed by them."

This practically included the same principle as covered by the foregoing proposition, therefore it was not further discussed at this conference.

The following was read:

"The dubbing and re-recording of records will not be agreed to by the Federation."

As to this, the Chairman made the following observations: That no doubt recorders know what we mean by the re-recording of records. We mean the use of records already manufactured for the purpose of taking the music therefrom and making a new record without employing any musicians. This is often done in the electrical transcription as well as in the film industry. In the latter, the dubbing of music made for one picture for the film of another is a common occurrence. That as the libraries of recording manufacturers contain countless records, same could be continually used for dubbing purposes. In the field of electrical transcriptions, dubbing is very much indulged in.

The position of our Federation is:

"Our members will not render services where transcriptions of that sort are made."

The Chairman continued by saying after answering some questions of Mr. Deutsch, that records are dubbed on transcriptions and no one benefits from it except the one who makes the transcription. That he does not believe that there is anyone within his hearing, or the public in general who would be out of sympathy with the Federation in protesting against this practice.

While discussing for the first time the stealing of music from the air, he pointed out to the conference that it would be in the interest of the recorders themselves to cooperate with the Federation in the air-checking of records for the purpose of ascertaining their legitimacy, that is, whether they contain stolen or pilfered music, or for that matter, music dubbed from old records.

The Chairman then stated that the Federation will only permit its members to make records in future under a contract which contains stipulations that the conferences may agree upon and addressed the following query to the conference:

"Any objections to this?"

As no response was made, he continued by saying that it is a matter of union regulation to which we have a right. He then asked:

"Any observations?"

As no one responded, he read the following:

"The Federation insists that it must be advised of all records made and for what purpose they are to be used, with the understanding that such records should not be placed at the disposal of an employer where it has the tendency to destroy the employment opportunities of musicians or the development of such opportunities."

Here it was plain to the recorders that if they agreed with the Federation under what conditions records could be used,

there would be no difficulty, but if they failed to so agree, we would be constrained to advise them that our members would in future refrain from making records.

As no observations were made by any recorder to this, the following was read:

"Records henceforth made by whomsoever makes them should have registered number filed with the Federation."

Upon a request for their reaction to this, one recorder stated that it was favorable and another that he could not see any objection to it. None of the other recorders made any statement.

Then the following was read:

"Request of employers that musicians should assign all their rights for the use of master records by recording companies will be considered by the Federation as an attempt to circumscribe the employment opportunities of other members of the Federation. The Federation will not agree to such assignments."

It was pointed out that many corporations have in their contracts a proviso to the effect that a musician assigns all his rights to the manufacturer of the records and that they can do with the master records whatever they please, and that this had the tendency to lead to the dubbing of records, a use of which the musicians were not advised when engaged.

Upon query as to what their reaction to this statement was, a recorder observed that it did not affect his business and that he did not have enough information to discuss it. In response to the request for observations from the other members present, none were made.

Then the following was read:

"Members of the Federation will not render services at any place where records of any kind are used whether they were new or library records unless some agreement exists with the employer using the records that musicians be also employed in addition thereto."

A lengthy discussion followed in which the Chairman, members of the Board, recorders and a broadcaster participated. The contention was made that records must be made for filing purposes or so that a person may listen to his own program; that such records were not to be made for commercial purposes—in other words not used to put musicians out of work.

The following was read:

"The making of any records by running a line through a radio corporation's studio or any other place is not agreed to by the Federation."

Mr. Kendrick, a recorder, asked whether this rule would apply even if the musicians were paid in addition.

Mr. Petrillo made the rejoinder that this was not the intent, that the intent was to prohibit the stealing of music to put it bluntly. The Chairman then stated that the proposition would be changed to read as follows:

"The making of any record by running a line through a radio corporation's studio or any other place for illegitimate purposes is not agreed to by the Federation."

The observation was made that we would later agree as to what is a legitimate or illegitimate purpose.

Then the following was read:

"The making of records taken from the air with or without the knowledge of the musician is not agreed to by the Federation."

Attention was called to the fact that this was a declaration in the interests of the Federation as well as of the recorders.

Then the following was said:

"All recording companies are to be licensed by the American Federation of Musicians, licensees to contain stipulations under which members of the Federation will make records."

(NOTE: I request the delegates to keep this stipulation in mind as it finally became the premise upon which all regulations governing its members in the rendering of services for the making of records are based.)

It was pointed out to the recorders that the licenses cost nothing and that they could be surrendered by the recorder

or withdrawn by the Federation at any time.

Then the following was considered:

"Nothing herein must be so construed as to rob an individual member of his property right that he may have or may acquire in his recordings."

Here the conference was advised that recently some of our members had turned to the courts to have their rights in recordings protected. In cases where the records were used for profit without their consent, that they had in some cases prevailed, and that this seems to indicate that it may finally be established that the musician who makes a record has a property right in same.

After this explanation, the following was read:

"In no jurisdiction of any local of the American Federation of Musicians, can members play for employers in contradiction of any of the above rules."

Here it was explained that this would become the law of the American Federation of Musicians.

Then the conference was advised that a law to the following effect had been proposed to our convention:

"All recordings conforming to these rules may be used, provided the same number of musicians employed in the making of the recordings are employed wherever such recordings are used."

It was pointed out to the conference that this is a declaration which has to do with the interests of the employer who uses musicians and has nothing to do with the manufacturers of records. Here a broadcaster made the following observation:

"That is not very clear."

The Chairman gave an example as follows: A record is made by five musicians and is played over the radio and received by other stations. The stations receiving the record should employ the same number of musicians as were used in making the record. However, this is a matter to be taken up with the broadcasters as soon as we meet them.

Then the following was read to the conference, it being pointed out that it was submitted to our convention:

"Recordings made in any jurisdiction cannot be used in the jurisdiction of any local without the permission of the local in the jurisdiction where the recordings are so used."

The Chairman here explained that under this rule any local can insist that no recordings should be used in its jurisdiction.

During the ensuing arguments, the Chairman made the observation that this question especially affected the people who use the records and not those who make them and that therefore same would be taken up at the conference with the broadcasters.

Then the following was discussed:

"All contracts for the making of records to be valid must be approved by the Executive Board of the American Federation of Musicians or any authority designated for that purpose by the Federation."

Here Mr. Kaufman, a recorder, stated that at the present time all contracts with the musicians must be filed with the local. He was answered that from now on this would become a national rule and that contracts for recordings must be filed with the national office as well as the local and must be approved by the American Federation of Musicians. Here Mr. Quillinan, a recorder, stated that this would be a question for approval, the time involved to have the contract approved and that sort of thing, and that under the present arrangement he can have a contract approved by a local union very quickly.

Here the Chairman stated that the contract should be filed with the Federation and with the local at the same time.

Mr. Bagley made the observation that it merely amounts to standardization, that is, all of the contractual relations. Then Mr. Brenton entered into the discussion and made a statement to the effect that inasmuch as any authority designated by

the Federation may approve the contract for the Federation that the entire question is properly covered. Then the following was read:

"Each recording shall have a registered number. Each number must be filed with the American Federation of Musicians."

"The recording company agrees that before the registered record is used for any purpose whatsoever, a clearance permission must be secured from the American Federation of Musicians."

The question then was raised by a recorder as to the working of this rule. It was explained that it was merely an additional check so that we may be in a position to control the proper use of records.

Thereupon the conference was adjourned.

On July 27, 1937 a second conference was held with the record manufacturers in which broadcasters also participated. Inasmuch as this meeting was attended by a greater number of recorders than attended the first, the purpose of the conference and the objective of the Federation, the matter of creating more employment for musicians was again fully explained, and all the demands of the Federation were read again. A lively argument ensued in reference to the proviso that members of the Federation will not make records to be used for profit unless musicians are employed in the place or establishment where so used. During this argument Mr. Venner, a recorder, asked whether this resolution known as No. 3 would not be in violation of the Federal laws. The Chairman answered:

"I hold to the opinion that a worker has a right to stipulate under what conditions he wants to work, where he wants to work and how he wants to work. He cannot be forced to work against his will."

Mr. Petrillo made the following observations:

"Does this gentleman know any Federal law or city law or state law whereby a man cannot protect his livelihood? The question involved here is very simple. All in all, we are trying to come to some solution to stop putting ourselves out of business, and the music that we put on records we are putting in the field ourselves. We say to the recorder 'You go out and do this job while we stay home.' The Chairman has explained the situation. We want to get together and take out the technicalities in order to come to some solution satisfactory to everybody concerned."

Mr. Woods of the National Broadcasting Company raised a question in reference to the willingness of the Federation to permit the use of records in places such as radio stations if the network corporations come to some agreement with affiliated broadcasters as to the number of musicians they are to employ. He was answered that if the people who control the networks or individual radio stations come to some agreement with the Federation about the matter there would be nothing for the recorders to be apprehensive about. Here information was requested whether this is a question for the networks or a question to be negotiated with the individual stations. The Chairman answered that this matter will be taken up at the time we meet with the representatives of the networks and broadcasters to which the representative of the National Broadcasting Company made answer that he desired to make it clear that the National only owned a very few broadcasting stations—that they controlled very few of them—that the bulk of the network stations were independently operated stations. The conference was finally advised that this question would be taken up with the broadcasters at the conference scheduled for July 29, 1937.

Thereafter the question of dubbing and other questions pertaining to the regulation of records was again taken up and argued at length. It was made clear to the conference that the hindering of pilfered music being used on records would necessitate the air-checking of all records, (meaning control by listening in on radio programs) and that the recorders

were surely not in favor of having the music, for which they paid, stolen from them and records made thereof. That the Federation intended to establish a department for the checking of recordings played over the air for the purpose of discovering such as were made of stolen music.

Concerning air-checking of records, a recorder contended that if a company manufacturing a record gets a clearance, files the number with the union and such record is afterward pilfered, then the one being guilty of this would not come in and seek a clearance on it but will go ahead and make practical use of same. He desired to know how we could carry that through to a logical conclusion. Answer was made to him that the very fact that the record has a registered number, a large possibility existed that its unlawful use would be detected and that then we were in a position to prosecute those responsible therefor which would have a great deterring influence on the manufacture of pilfered music recordings.

(NOTE: For the information of the delegates, will say that many broadcasting companies have recording machinery installed and some broadcasters have repeatedly stolen the music of their own orchestras by having records made of same without the knowledge of the musicians and have used them.)

In reference to the stipulation that members of the Federation would not render services at any place where records of any kind are used unless musicians were also employed at same, and in reference to the life of a record, the Chairman stated that we have been of the opinion that a master record would become outworn therefore its life would be limited. Much to our amazement, we found that such was not the case as a master record necessary for the pressing of records for the market can be repeatedly reproduced and its use made indefinite. Thus the musicians' children and children's children can listen to the same record.

Here Mr. Venner, a recorder, then asked the question that if he built a house with union labor, whether he does not own the house or whether the union owns it. He was answered by the Chairman: The house could only be sold to one person; 10,000 houses could not be made from this one house. Furthermore, it was said, we could not see any similarity in the two propositions. That if he made a master record he may use it for himself as it is his own property. He may use it as long as he lives but if he makes thousands of copies of such record and sells them for use to anyone for profit, then the musicians have the right to say that if a record is made for such purpose, then they were not much interested in rendering services in the making of same.

To this, Mr. Venner made the following answer: "I do admit that."

As to the stealing of music, the recorders were informed of the following: "A member of our organization, a very fine pianist was employed by a radio station to play one of its programs. He naturally was of the opinion that that was all there was to it. Many months thereafter, when at home, he turned on his radio and much to his amazement listened to a record of his own rendition. He had no knowledge that a record of same was ever made."

Here the Chairman advised the conference that many of the questions considered by this conference would also be considered by the ensuing conference with the radio industry and that recorders may, if they so desire, attend same.

(NOTE: It was the intention of the International Executive Board to make first a contract with all recording companies who were willing to come to some agreement with the Federation in regard to the control and use of recordings and thereafter to issue to them a license which conformed to the stipulations of such contract. It was explained to recorders that of our right to license them, there could be no question.)

Concerning the proposition that nothing in a contract or in the stipulations under which members may work for re-

ording companies should be so construed as to rob him of any property right that he may have or may acquire in such recordings, explanation was made that our organization had no right to enter into any agreement to rob a member of his possible property right in his recording. Therefore the Federation, if entering into an agreement regulating recordings, must guard against the misunderstanding that the possibility of such right was not fully recognized.

Following this, the stipulation was discussed that if recordings were used in places, establishments, or over the radio, that then the same number of musicians should be employed in them as have made the record. Here Mr. Woods made the observation that we might as well close up the transcription companies. To this answer was made by the Chairman that this brought us point blank to the question that more musicians should be employed and that this stipulation brought into proper relief the necessity that the radio industry should do so.

Here Mr. Venner asked whether we had a list of the number of union musicians who live in larger cities and those who live in smaller cities and if so, whether such list was available and we answered in the affirmative. Then he asked whether we had the number of musicians who are regularly employed by radio or hotels. He further stated that our problem takes in everything touching more employment for musicians. He was answered by the Chairman that this was surely true. Explanation was then made that in the vast majority of our local unions there were more members available than could possibly be absorbed by all the industries to which the recorder had referred. Furthermore, that all the radio stations together employed an average of one musician and a fraction. That insofar as permanent employment was concerned, radio stations did not offer to musicians any appreciable source of employment. Then the recorder, Mr. Venner, asked whether he could be furnished with those figures sometime. He was given the assurance that it could be done.

Then Attorney Mackey asked whether he understands the stipulations to mean that if the record of a large symphony orchestra is put on the air—assuming that 100 men were used to make its record—that then the same number of men must be employed by the station that puts the record on the air as were employed in making same. The Chairman answered that this was what the stipulation meant, that his question had been anticipated. However, it was pointed out that his question only included the exceptions and that it is important to know that the vast number of records with exception of perhaps 2% were made with a much lesser number of men. Attorney Mackey interrupted the statement by saying: "That would mean any station that could not employ the same number of men used in recording a phonograph record, transcription, whether it is one man or 100 men, they could not use that record on the air?" He was answered by the Chairman an emphatic "No," with the explanation that the stipulation will be helpful to bring us nearer the solution of the problem to put more musicians to work. Attorney Mackey then said that he is seeking information and desires to have these statements amplified, whereupon he was advised by the Chairman that unless some other methods of increasing the number of musicians employed were found, that some such stipulation as proposed would have to be enforced, whereupon Mr. Venner vouchsafed the statement that he could foresee that about 450 radio stations would be closing down. He was answered by the Chairman to the effect that this question will be taken up with representatives of the radio stations and that we will say to them that a radio station that would close down would be in the same position as a poor musician who is well able to play his instrument but practically starves for want of employment. To this, Mr. Venner rejoined that he did not know how many could afford recordings under such con-

ditions to which Mr. Petrillo replied—"This was no reason why we should keep feeding them, that in one breath they take the records and if they are connected with a chain they get chain programs. That Mr. Whiteman, Mr. Bernie and all those boys, when they cannot get them, they go back to the records. If you look up their records, you will find that not a living musician ever received a penny of salary. That is the other side of it." This led the Chairman to interpose the statement that the recorder's question led him to believe that he fully understood the problems and therefore considered the situation from the viewpoint as to what prohibitive action in reference to the making of records the Federation was forced to take in respect to such radio stations which paid scant, if any, attention as to what is happening to the musicians, through the unregulated use of recordings. To this Mr. Venner made answer that we were trying to solve the problem. He was answered by the Chairman that we were trying to do just that, to which he made the rejoinder that we could not solve it by closing down people who may in future employ musicians. Here he was advised that instead of conditions becoming better for the musicians, they were becoming worse. That we had explained that 13,000 musicians are already on relief. That Congress had appropriated for the current year \$800,000,000 less for relief of the unemployed than it did last year. That as a result the quota used for the purpose of relieving the white collar workers, which includes musicians, had been reduced. That private industry which had re-employed many workers had not re-employed a single musician.

(NOTE: Since then a new depression has set in, the consequences of which upon the economic welfare of our country let us hope will not be as disastrous as the major depression which our country has never yet totally overcome.)

Here Mr. Venner desired to know what a person has to do to become a member of the union. The Chairman asked him what this had to do with the question before the conference. To this the recorder replied:

"I would just like to know." The Chairman answered him that he might as well ask what the requirements were for anyone to be permitted to enter the recording industry. The recorder answered: "I am inquiring. I wonder what they are." In answer to this, he was advised that as long as a musician satisfied the public, which pays him for his services, he is entitled to membership. Therefore the public determines the requirements of membership. As long as a musician receives pay for his services, we insist that he be a member of our organization as he is in competition with other musicians who are members of our Federation. However, he must be of good moral character and, if he be an alien, he must declare his intention to become a citizen and in due time must acquire full citizenship. This policy involves Canada as well as the Canadian musicians who are also affiliated with the American Federation of Musicians. Of course the requirements for citizenship in Canada differ from those in the United States. Mr. Murdoch, our Canadian executive board member and President of the Toronto union, here advised the recorder that the Toronto local alone had 1,600 members. The Chairman inquired of him as to how many were employed at the Toronto radio station. He answered: "Possibly 50."

Mr. Petrillo interposed the following: "This gentleman, in most of his questions, wants to know how we operate our organization. I would advise him to appear in your office this afternoon, and I know you will give him a letter to all locals of the Federation to give him whatever information he desires. That will apply to our standing, our financial standing, membership and where our people are working." Here the Chairman interposed by saying that he could not see what the gentleman's query had to do with the question before us, but it may interest him to know that the local unions of the Federation have done more to relieve the

unemployed musicians as far as they could than any labor unions of which he knew. That hundreds of thousands of dollars have been spent in that way. That some locals have a commissary department and it may be illuminating for him to know that fine musicians, even symphony men are forced to make use of same. These are conditions which make the unemployment situation of musicians, which we discussed at this conference, so acute. This is the reason why we asked him and the other gentlemen to confer with us about the matter. That we will no longer, to speak as plainly as possible, be active in making musical records which have the potency to put the musicians further out of the reach of employment and it is to be hoped that they (the recorders) would help us. That, after all, they were dependent on music, in a great measure at least, and therefore we must ask their cooperation to solve this problem. Furthermore, that in addition to the economic, there is a cultural and humanitarian aspect to the question, as well. Here a recorder observed that he "did not want to appear facetious, but these men who are not working, are they full-fledged competent musicians?" Answer was made that the vast majority of them were. Then Mr. Mackey asked if they could fill jobs if they were available. Here answer was made to him, "yes" and he was in effect advised that we had members in our organization who also followed other trades or professions, but that this did not interfere with their being good musicians.

Here Mr. Hayden made the observation that during his travels about the country, he had heard a number of WPA symphony orchestras, some of which compared favorably with the best symphony orchestras in our country. That hundreds of musicians are dependent on government projects and render musical services as fine as anyone would want to listen to.

Mr. Bagley added to this by saying that they maintained in the local union in Los Angeles a commissary department. "I think I might say that at times we have supported out of that department, as far as food is concerned, 200 families." He said that he was a charter member of that organization. He had seen it grow and knows its personnel. That when he sees a man coming into the commissary department with a paper hamper to carry home some canned goods or sugar or bacon, or canned milk, and maybe some vegetables and he knows that man to have played and held the very finest positions not only in symphony orchestras but in theatres and other places, that if they would see what he saw, then they would fully understand what we are talking about.

During a discussion of the proposition that all contracts to be valid must be approved by the Executive Board of the American Federation of Musicians or any authority designated for that purpose by the Federation, a recorder asked whether we had set a date to take up a similar proposition with theatres. He was answered that as yet we had not.

Mr. Field desired to know whether, as regards the individual companies which were present at the conference, it was thought that we would discuss the matter first with the broadcasting companies then get down to specific discussion with the individual recording companies and ended this question with the statement, "I presume we will pretty soon wind up here." He was answered that the best method to follow could not be determined until we meet with the broadcasters.

The Chairman asked whether any member of the Executive Board had any further observations to make.

Mr. Petrillo then stated: "We want these gentlemen to know that we are aware of the fact that if the people do not want radio, then the radio is out of business and if the people do not want recordings, the recordings are out of business."

"There is no way that these people can force anything on the public that they do not want. We know that we cannot force music on the public if the people do not

want music, but we are confronted here with a situation that there is a substitute taking our place. You gentlemen know that, and as long as the substitute is taking our place, we are trying to find ways and means to eliminate the substitute, to find some way that the substitute will make some profit for our members. If you people do not use recordings, there is no need of negotiating any further and you can use as many men as you want. Then if you do not want music, we are out of business. The entire argument is on Mr. Substitute."

Mr. Weaver then said: "We are here not with any chip on our shoulders. Our sole purpose here is to enter into an atmosphere of new contract negotiations, the subject matter of which must bring about a meeting of the minds of the contracting parties. I simply want to stress that fact that our members are intently interested. They voted by unanimous vote that this meeting be called within thirty days after the adjournment of the Louisville convention. I know something of the situations throughout the west where locals have man after man, and member after member who do not know where their next meal is coming from. They are unfortunate in the respect that they do not know anything out of sight of the technique of their own music profession. There is no other line of work or occupation that they can fall into. I want to impress you gentlemen with that situation."

Here the Chairman again stressed the point that we were trying to put more musicians to work and that this was the sole purpose of our efforts.

Then a lengthy discussion of the record followed.

Finally Attorney Diamond made the statement that it was quite obvious that the recording manufacturers should have an opportunity to consider and discuss suggestions made by our Federation by themselves and then return and discuss with us a way in which they could help in a solution of the problem which they recognize exists. He was advised by the Chairman that they were of course perfectly free to enter into discussion among themselves about the matter and that in due time we would be willing to meet them again.

Thereafter it was agreed that anyone in attendance at this conference could, if he desired, be also present at every other conference with either recorders or broadcasters.

Conference With Representatives of Networks and Their Affiliates

On July 29, 1937 the first conference with the radio industry was held. Present at same were independent affiliates of networks, the National and Columbia, which are the two radio corporations which formed the networks and a representative of the NAB and of the Mutual attended. Representatives of transcriptions and phonograph recording companies also attended for the purpose of keeping informed of progress or developments in the questions under discussion as they were vitally interested in same.

The same explanations were made by the Chairman to this conference concerning the reasons why same was called as had been made at the conference with recorders.

The conference was advised that we had a problem to solve for the reason that the radio industry did not absorb a number of musicians commensurate with the amount of music received by them from musicians from all sources. That the proper way to proceed would be to consider how many more musicians could be absorbed by the radio industry in which their employment opportunities had become less and less by reason of the unregulated use of electrical transcriptions and phonograph recordings. That if the field of employment for professional musicians continued to be narrowed, the inducement for talent to develop would become less and less and then the time would come when our country would not have the advantage of the excellent

standard the musicians had thus far developed.

Then they were advised of our conferences with the recorders, also that some of the broadcasters had already received copies of the stipulations which we had submitted to the recorders and that some of them had listened in at our conferences with them. That we also had stipulations to submit to this conference concerning the services of our members employed or to be employed by the radio industry. Whereupon Mr. Woods of the National made statements which in part contained the following:

Before we go into the stipulations, he desired to make one or two general observations. That the National is perfectly willing to sit down, face this problem and to do everything that is possible to work it out. That they have a number of broadcasting stations which they own and others which they manage. However, they are in the minority insofar as their total number of stations is concerned (meaning the affiliates of the N. B. C. network). That in practically all of the stations that they operate and manage they employ union musicians, staff orchestras. They also use transcriptions at these stations and that they are in the transcription business. That they went into the transcription business because they felt that by using too many phonograph records years ago that this was not a good program. That at one time the National Broadcasting Company eliminated entirely the use of phonograph records. However, economic conditions forced them back to the use of phonograph records a limited number of minutes per day. That at the present time in all their managed and operated stations they use on the average approximately 50 minutes of recorded music a day. That they have union musicians engaged at those stations and regular staff orchestras. In addition to employing them on a per diem basis for commercial advertising. That it seemed to him that this was a tremendous problem which will require study, tolerance on both sides and a tremendous amount of work to finally solve it to the satisfaction of all concerned. That as far as the National was concerned they only had relationship with a small number of stations if the total number of stations in the United States is considered.

In addition to this he referred to the Moving Picture Industries' displacing of musicians through recorded music.

In answer the Chairman advised him to the effect that the moving picture industry question must of necessity be taken up separately by the Federation with said industry. That there are situations entering into same which are not related to the broadcasting industry and vice versa. That employment opportunities of musicians in the radio industry had ceased to develop. That in some instances it even had been reduced. That the network stations employ approximately 1 1/2 musicians for each \$10.00 in their rates. The key stations only employ 9/10ths of a musician for each \$10.00 in their rates. The supplementary stations employ 1 1/5th man for each \$10.00 in their rates. The independent stations not affiliated with any network employ 3 1/8th man for each \$10.00 rate. A percentage entirely unacceptable by and unsatisfactory to the musicians.

After further explanation, the conference was advised that now and then many hundreds of bands affiliated with the Federation, which are known as "name bands" furnish music by remote control without pay to the radio stations. That this music did not cost them a penny, but this was not all, as in many instances renditions of these musicians and others were often recorded without their knowledge or consent and these recordings were afterward played over the radio, thereby often displacing musicians, even those whose music had been pilfered.

That there was a time before their industry had developed to the magnificent proportions it had now, that almost all the music (including such as played by amateurs) played over the radio cost the industry practically nothing. However,

cheapness does not always mean quality. Therefore the public tiring of inferior music caused the broadcasters to improve their programs and the artistic standard since then continued to be raised. However, a pity it is that these programs are played by a comparative handful of musicians even though they are listened to by millions upon millions of people. That we know the relationship between the affiliated stations and the key stations of networks, and also know that every station affiliated with a network is interested to receive programs from the network key stations. Magnificent musical programs are filtered into affiliated stations and this increases the public's interest in same and enhances their commercial value.

The Chairman continued by saying that the vast majority of affiliated stations which receive these fine programs from key station programs, all the remainder of their programs with recorded programs. This led to the situation of which we were complaining. Now if the question is to be referred by them to a committee, it would have to have full power to act as, if not, we could get nowhere. That our executive board had full power to act. In the event that we could not agree, we would perhaps find it expedient to call a special convention. What the outcome then would be cannot be foretold. However, the musicians will follow their organization. It is in their interests to do so unless a corporation be in a position to give them contracts providing for a reasonable income for life.

Such condition is unthinkable as you are not in a position to say what the development in your industry will be.

We are trying to get more employment for musicians. They have their families to support. Many of them are hungry. We come here for the purpose of having you help us solve the economic problem which confronts them.

We have a right to do this especially as we help to manufacture the material things (recordings) which tends to, and does, put us out of employment.

I know that you cannot put every unemployed musician to work, but you can help in that direction. This is not an unreasonable thing to ask of you. Surely the public, if acquainted with the situation, would be with the American Federation of Musicians.

Here Mr. Prime, an attorney representing the National Broadcasting Company, stated: "As I understand it from your statement, the purpose and object of these meetings is to solve the unemployment problem in your industry, and these stipulations, as you refer to them are your suggestions to that end?" He was answered in the affirmative. "There is no other object or purpose in these meetings except to help solve this unemployment problem?" He was answered that this was all. Then he continued: "While I recognize the differences in the music picture industry and the theatre industry on the one hand, and the broadcasting industry on the other hand still it may well be that the joint thinking of all of us—and it is going to take the best thinking of all of us to solve this problem or help solve it—may well contribute something."

The Chairman answered: "I am sorry that I cannot agree with you. I see that the explanation I made to you was of no avail. We know and we feel that as far as the musicians are concerned, the problem can be solved. We will approach each industry that needs the services of our musicians, and ask it to help us solve it. I say to you that if the conditions complained of continue, our organization will have no other alternative except not to make any records of which your industry now makes great use under any circumstances. We are trying to have you help us solve this problem."

(NOTE: Kindly keep in mind that the National and Columbia are the radio corporations which have formed networks. The affiliates of these networks are individual owners of their stations with the exception of 23 which are owned by the National and Columbia. Naturally we

were of the opinion that inasmuch as each affiliate was interested in the network to which he belongs, that therefore any dispute between the Federation and the network corporations which would affect the affiliates to the extent of no longer receiving network programs would naturally cause them to make common cause with the network corporations to solve the problem of employing more musicians.) However, it appeared that ever since the ASCAP forced the radio industry to pay royalty, that many of affiliates of the networks and independent stations not connected with same, blamed the networks for ASCAP's success in doing so.

This is of course ridiculous as the ASCAP is supported by the law of the country in collecting royalties. It was so held by no less a tribunal than the United States Supreme Court. The fact is that the radio industry would have been obliged to pay royalty whether the National or Columbia had continued to protest against it or not. However, it appeared that a psychology had been created that they had sold the affiliates of networks and other broadcasters down the river. Such was the situation at the time we began our conferences with the radio industry. The affiliates refused to make common cause with the National or Columbia in the matter.

(This explanation is made for a better understanding of the developments in the case.)

Mr. Baldwin, the secretary of the NAB stated to the Board that they were sympathetic with the responsibility which the Board has to increase the number of musicians and they are conscious of their own responsibility in that direction. That their association numbers 413 broadcasting stations in the United States, that 22 of them are owned or controlled by network companies, 184 are affiliated with network companies and 207 are unaffiliated with any network company.

That he had read the 14 particulars which we are about to give to the conference and that he is under the impression that our Board is at the conference with specific and definite authority granted to it by our annual convention. That inasmuch as they do not know what our demands may be, it was naturally not possible in their convention to study the program, therefore they had no authority insofar as their membership is concerned. That they have an Executive Committee with power to act between meetings of their Board of Directors, but that he felt sure that he spoke for the other members of that committee that they would be unwilling to accept the responsibility to discuss all of the points made by us without first having an opportunity to inform their principals. That therefore he could not enter into a discussion with reference to the particular points but that if in the wisdom of our Board we decided to break the matter down and to study it, then, in that event, the Association would like to be represented and to give us the best it has.

The Chairman answered: "Let us analyze this. You tell us that you have an organization of broadcasters which has 184 stations affiliated with the networks as members. That 22 of them are owned by the corporations which organized the networks. Now then you mean to advise us that these 184 stations even though it was in their interest to come to some understanding with the American Federation of Musicians could not do so unless the NAB would give its consent?"

Mr. Baldwin answered: "No sir, we would not wish to be understood that way at all." The 22 stations owned and operated by the networks are represented at the conference as he understood it. That he had never had the opportunity to learn from the affiliates here if they would even desire the Association to represent them at the conference or not.

The Chairman answered in effect: "Is it not to the interest of the affiliates to continue to receive the services of many bands and orchestras for nothing and to receive the wonderful programs sent to them by the key stations which undoubtedly enhanced the value of their stations?"

Would it not be to their interest that this be continued?"

Mr. Baldwin answered to the effect that he followed the discussion with great interest. That they realized the problem involved. It is definitely an economic one, therefore it requires the closest study of everyone concerned.

The Chairman: "Is it not of interest to the affiliated stations to have the network corporations with whom they are affiliated advise them that the musicians are no longer willing to render services for the programs which are filtered into their stations unless they are agreeable to find some way that more musicians be employed?"

After further discussions the Chairman finally stated to Mr. Baldwin: "I fully understand that you cannot act without the consent of your organization, but I also understand that if the network corporations and their affiliates find that the position of your organization in this matter is not to their interest, they would not hold themselves bound by same. Now in accordance with your statement, we would have to adjourn this meeting, as you say you have not authority to act and desire time to think it over. This would postpone the solving of the problem indefinitely. I would be very sorry if this should develop as then our organization would have no other alternative except to lay the matter before a special convention and I can tell you now what the outcome will be. If the question depends upon submitting it to each individual station, the solving of the problem will become impossible and this will place the musicians in a position to have no other alternative except to seriously consider as to whether they desired to continue to work for the industry or not. You can well imagine what the impression would be upon the representatives of more than 100,000 musicians if the matter was delayed as they feel that they have a just grievance and that it should be adjusted. There are certain things that we cannot do. There are certain things that you cannot do but there are some things it becomes our mutual duty to find some way to do and such is the case here; delay is a matter in which the economic welfare of men is involved, is likely to become dangerous.

"We are told that you have an organization of broadcasters, yet the interests of your organization and that of many of its members, do not appear to be the same. Of course you must pardon me for making these observations. If affiliates considered it to their interest to break away from your organization, they would do so, wouldn't they? After all, you have a voluntary organization. Now we are in the same position as you. We can hold our members only if we can do something for them, and that is exactly what we are here to do.

"Now then, let me ask you gentlemen, what is your opinion? Do you desire to go on with us and to help us solve the problem, or do you say, 'we do not know what our people want therefore we cannot confer with you.'"

Mr. Baldwin answered to the effect that he did not mean by his statement to be understood as desiring the conferences to terminate. He merely made the statement in explanation of his inability to discuss point by point the specifications which were presented to them this morning. The interests of the 413 members varied.

The Chairman then continued, in effect, that as far as the affiliates are concerned, as they had the opportunity to transmit to their listeners the finest of music filtered into their stations, and at the same time received a very great portion of music free of charge, which made affiliation with their network valuable, that he was of the opinion that they could not very well get along without such service unless they desired to lower the standard of their station. That of course was only his opinion. However, the problem of the networks appears to be the problem of the affiliates. The affiliates desired what the key stations of the networks could send them, that if the radio corporations which organized the networks would explain the reasons for the demands of the Federation to their affiliates, they would

not find many of them who would be unwilling to put their shoulders to the wheel to help solve the problem.

Mr. Woods of the National stated that this may very well be but that, as it is, they had no opportunity as yet to present the question to the affiliates. That he thought that every affiliate of the National would be very much interested in the stipulations submitted to the conference by the Executive Board of the Federation and that a number of them would go along with them but until the stipulations are proposed to the affiliates, he did not see how they are in a position to act. He continued by saying that after becoming aware of the stipulations of the Federation that he does not know what will put a station—an individual station of a network—on the fair list from the standpoint of the Federation or what would put them on the unfair list. That he did not know whether a station in Alabama would be required to have a band of 100 pieces in the event that they would broadcast a symphony in Alabama. That is one reason why he wishes that we should discuss this problem. That it is a practical problem and he is of the opinion that we have to get down to practical things rather than to generalities.

The Chairman retorted to the effect, so that you may know what we want, it will be necessary to go through our stipulations so as to ascertain what you want to know. To this Mr. Woods answered that this is it exactly.

Thereupon the stipulations were read:

1. No records to be used at any station unless musicians are employed.

Mr. Prime asked whether we limited our demand to phonograph records only or whether they included electrical transcriptions; also whether we recognized a distinction between the two.

The Chairman answered: "We mean records of any kind. We might make in some instances a distinction as to their use. However, in either case their use has the tendency to displace musicians."

Mr. Prime: "Mr. Weber, there seems to be quite a little practical difference between the two. In the field of electrical transcriptions, if you take a commercial recording, it involves commercial announcements in connection with it which can be used only by the particular station. It is not like a phonograph record which can be used indiscriminately time and time again." After further statements by Mr. Prime, the Chairman said: "Records are placed in libraries or are used over and over again and dubbed too. As to electrical transcriptions, of course they can only go once over a station, but it can go over 100 stations at the same time if necessary."

Mr. Baldwin stated in connection with the matter that he may point out that if 50 musicians were employed for the making of a program of an electrical transcription and that electrical transcription was kept for one use at 100 stations, there would be difference in that use than if those same 50 walked into a station and broadcast to the same 100 stations simultaneously by wire. There would be no difference there.

The Chairman: "There would be a difference if the same stations which received the music had musicians employed which were displaced by the electrical transcription."

Brother Petrillo: "You will find further down that if a record has got fifty men in it, going over 100 stations, you will find that that must be licensed by the American Federation of Musicians."

Here the question was raised that in some instances the Federation may find upon full investigation of the fact that it was not practical or necessary or fair that a station should employ living musicians and that such station should then use recordings of one sort or another. That in such instance, the Federation may well distinguish between a phonograph record on one hand and an electrical transcription on the other.

The Chairman asked in effect: "You tell us that the possibility may exist that a station could not possibly use musicians even though it wanted to use them and

that upon the investigation, if it was found such to be the case, that then we should agree upon exceptions. Is that it?"

Mr. Prime: "And that exception may be taken into consideration the difference between a phonograph record and an electrical transcription. I think it is important to recognize the difference between the two."

Mr. Chairman: "Our proposition is that musicians should be employed where records are used. We agree that in some isolated cases impossibilities to this may develop. If the Federation finds this to be so, it will agree to exceptions. However, after all this could only affect in some smaller station or stations."

Mr. Petrillo: "That brings up the question that may solve this gentleman's argument. Would you be in favor, or do you think it would be wise for us to license the recording companies and say to the recording companies, you can have a license to record for radio stations only, and you, Mr. Recording Company, you can have a license to record for these recording machines that you find in small taverns or places of that kind? In other words, each license would be specific as to what kind of recording the company would do. Would that help us out in the situation which you bring up?"

Mr. Prime: "Well, I don't know. I know very little about the recording business."

Mr. Egner, a recorder: "Would you repeat your statement?"

Mr. Petrillo: "I asked if the problem—if the solving of his problem, or his question, would be this: That the recording companies would be licensed, and each license would specifically state as to what kind of recordings they could make. In other words, if they were going to make recordings for the nickel machines or for hotels, the license would state for hotel use only, or for machines, or so on. Now, I don't know—that is only a thought that came to me while this gentleman was asking the question."

The Chairman: "This would affect the recording companies. Can any of you gentlemen answer it?"

Mr. Egner, a recorder: "I think that ought to go over until that can be discussed with the recording companies."

After a further discussion the Chairman requested the Executive Board to meet in short executive session, after which the conference was resumed.

The Chairman stated in effect: "Our purpose is to create the fundamental that musicians should be employed wherever records are used. No matter what we may agree to, if you can convince us that exceptions should be made, we will certainly investigate conditions leading to such a request but if you desire that in all stations that use recorded music exceptions should be made, we cannot agree with you."

After further discussion, the question as to whether radio stations should be licensed by the Federation was taken up.

Then the question of licensing broadcasting stations which employ musicians was at length discussed. (Note: In its final arrangement with the broadcasters the Federation did not insist upon this stipulation.)

Thereafter the following stipulation was read:

(2) Radio stations are not to be licensed for the making of records of any kind.

The Chairman: "You may ask us the reason for this. In answer I will read excerpts from a letter received by us only yesterday which is a sample of many hundreds with similar contacts:

"Station formerly employed a studio orchestra. During the time of employment of this orchestra recordings were made for audition purposes.

"The studio orchestra was discharged some few weeks ago. All the recordings that were made by the studio orchestra, supposedly strictly for audition purposes, are now being used by the station to make up complete transcription programs. These programs are being sold commercially throughout the entire state."

The Chairman then read excerpts from another letter:

"In this, our city, we had a 15-minute commercial program over station —, belonging to a certain system, played by an organist and violinist which ran for a period of some weeks daily. At the conclusion of the period the entire programs that were recorded by the station were re-recorded and sold to practically every small station in our state as an electrical transcription."

The Chairman continued by saying: "Here is another:

"Station —, one of our local orchestras was called to give an audition for a client. The orchestra was asked that the station be allowed to record this audition, to which it consented for audition purposes. It now develops that the recording which the orchestra allowed the station to make has been re-recorded and records of same have been sold to various small radio stations in our state."

All the representatives of the broadcasters which participated in the discussion which followed, agreed that such practices as complained of in the letters, were unjust and unfair to the musicians. However, it was pointed out that electrical transcriptions should be permitted for audition purposes so that a client may be advised of what program can be presented by certain organizations. These transcriptions are merely made so that a client may become interested in hearing the live talent which made them, that is, that they be used for audition purposes only. That radio stations are not to be permitted to be licensed for recordings of any kind is very definite.

The Chairman answered that it was very definite for the reason that records made for audition purposes, generally find their way into commerce, and are sold and used for other purposes.

Mr. Kaye of Columbia made the following statements:

"Well, I would make this suggestion as to the means of regulation. The abuses that you point out are undoubted. Now there should be penalties against those abuses. Now there may be numerous reasons why a broadcasting station should make records. An advertiser may want them for one reason or another. However, if these records have filtered into commerce, that is wrong. The only way it can be controlled is by permitting the making of such records only by having onerous penalties attached if they should find their way into general trade."

The Chairman: "What might those penalties be?"

Mr. Kaye: "Well, if the fellow is a crook he won't ask you for a license; he will steal it off the air. It will be only with respect to the legitimate people. As to what the penalties should be, they ought to be steep as you can make them, because that would be a vicious disregard of your regulations; withdrawal of the license, for instance."

(Note: If those who steal music from the air have no license, same cannot be withdrawn.)

The Chairman: "Now let me ask you gentlemen a question. It is important. If we turn to Congress to be protected against the stealing of our music, that is, having it taken from the air without our knowledge and consent, or we turn to Congress for a protective measure that no record can be made of the renditions of musicians anywhere without their consent, are you with us?"

Mr. Kaye: "Recordings either for sale or for subsequent performances?"

The Chairman: "To be sold, to be used, or to be multiplied and sold."

(Those who participated in this discussion practically agreed that they would be in favor of such action by the Federation.)

Mr. Kaye proceeded: "There may be a program going out over the air to a particular station that perhaps may want to keep a record of it for its files, not for the purpose of resale or for performance at any time but that they want to keep a record of that program. They may want it for any number of reasons—in connection with copyright infringement, etc. They may want to have a permanent record—there may be statement material of which a record would be more efficient than to attempt to take it down

stenographically. Those things, you see, would be regulated by you, so that if a company did, with your sanction make such a record and then used it for any other purpose the thunder of heaven would burst upon that company."

Mr. Woods: "Wouldn't control of that kind really be more effective than some kind of legislation, where again, you might run into a great deal of opposition from the smaller stations that do not employ musicians, that constantly steal this material?"

Mr. Kaye: "We are in favor of preventing them from stealing this material. One thing we want to do, however, is to make sure that anything that comes out of this meeting is not limited to the people that are here and who are trying to cooperate, but will apply equally to every one of them."

The Chairman: "There is no question about that."

Mr. Woods: "Isn't it technically so? You can proceed against them by due process of law. So I see no need for any special legislation. It is none of my business but I cannot see the necessity for it."

The Chairman: "Special legislation will have a wonderful deterring influence. It will also protect you people and the music for which you pay. We are certainly going after the special legislation because we found out that so far all our efforts to protect ourselves have been in vain. The violation of a Federal law is quite a different proposition than the violation of a union law."

Mr. Kaye: "There is a similar law in England." After the question of dubbing of records was gone into at length and the Chairman again pointed out that the Federation's intention was to do away with recordings which are made without the knowledge of musicians or are used for any other purpose than the purpose for which they were made. Here the statement was made that the broadcasters did not attend our conferences with recorders to try to arrive at a final agreement but merely for the purpose of exchanging views.

The Chairman pointed out that this question would be discussed later and could only be done on a premise to which we agreed as being just and fair.

The Chairman then read the following stipulation:

(3) "Members of the Federation will not be permitted to play for any broadcasting studio if their services are transmitted to a radio station which uses records but does not employ musicians."

It was pointed out that this was practically the same as proposition No. 1. Then the question of making exceptions was raised. Upon a query as to whether it would apply to records only, the Chairman answered that it would include electrical transcriptions as well. That it referred to records of all kinds.

Attorney Prime pointed out that in their network, there are some hundred-odd stations, of which they only operate and manage a dozen or so. The rest of them are independent. They cannot control their activities. They were bound by contracts with these stations to furnish them with sustaining programs.

The Chairman: "When you made your contracts with the affiliated stations, you did not consult the American Federation of Musicians."

Mr. Prime: "You are not bound by these contracts. Of course not, you were not parties to them but you must recognize the position that we find ourselves in. We have in good faith made contracts upon the basis of business as we have conducted it in the past ten years. You cannot impair them by your action. You must not unjustly penalize us."

The Chairman: "'Must' is a rather harsh word, but nevertheless we can say to you 'you must recognize our position,' which in this case is that if we agree to the continuing of your present policy we are putting ourselves out of business. The question, therefore, is, what can we do to mutually correct the situation?"

Mr. Prime: "We will go along with you, of course."

Attorney Kaye: "I think that is fair. We have dealt with your organization long

enough to know that you are not going to ask us anything that is unfair."

The Chairman: "Now, let us be plain. The necessity—I don't want to say duty—devolves upon you, that inasmuch as these conditions are unfair to the musicians, that you should recognize that they must be remedied. I point out again as I did before, that there is no fair-minded employer who can possibly deny that we musicians are constrained to insist that these conditions should be remedied. Therefore, we say that members of the Federation will not be permitted to play for any broadcasting stations if their services are transmitted to any other broadcasting station which uses records but does not employ musicians. The use of records or transcriptions means practically the same thing."

Attorney Kaye: "Do I understand that these stipulations apply to records and transcriptions?"

The Chairman: "The individual affiliates of your networks use them therefore the question becomes important to you."

Secretary Birnbach: "I do not think that Mr. Kaye has the viewpoint that we have of these regulations. We know that in a large percentage of cases the networks do not transmit transcriptions or records over the chain, but we also know that they service many stations and send their programs to many stations that do use records and transcriptions exclusively and it is the intent of our organization that this be no longer permitted."

Mr. Kaye: "In other words, this proposition would have to stay in."

Mr. Prime: "You cannot enforce that on affiliate stations."

Secretary Birnbach: "You can enforce it to this extent by saying 'If you cannot come to an agreement with the Federation for the proper employment of musicians, those musicians are not going to play for us.'"

Mr. Kaye: "We are trying to do that and be as persuasive as we can but if some station takes the position that they do not care whether they employ musicians, we will have to furnish them with such programs we have. We will do what we can, but you cannot ask us to do something that does not lie within our power to do. In other words, we will try to work out some way of reaching this station and all stations; but we are not in a position to say to them 'we will cut you off the air.' We cannot do that."

Mr. Bagley: "That is not the situation. Supposing some superior intervening force came along, then you would?"

Mr. Kaye: "Well if a superior intervening force came along we could say to them—"

Mr. Petrillo: "This particular station that you are talking about, that you have a contract today with, probably runs 80 per cent. a day with music or 70 per cent. or 60 per cent. and you, Mr. Station, have made the contract and we have not. If we go over the books of Mr. Station that we are talking about we find that all the music comes from one band or human musicians receiving \$25.00 a week more or less from the payroll of that particular station, and at the same time there have been deals going on between you and the station without us being in the picture and we are playing maybe 80 per cent., 70 per cent. with music and not getting a cent out of it. Isn't that true?"

Mr. Kaye: "It may be conceivably true in some stations, certainly."

Mr. Hayden: "In other words, you are under a long-term contract with many of these stations, and if they refuse to go along all you can do is to use your persuasive powers."

Mr. Kaye: "That is correct."

Mr. Hayden: "And it is up to us to enforce our own decrees."

Mr. Kaye: "Precisely. You as a labor organization, have to use the methods of organized labor in protecting your interests. But we are just saying that we cannot do your job with you because we haven't any weapons to do it with."

Mr. Bagley: "That would be your way out of the contract, wouldn't it?"

These arguments continued for some time. Finally the Chairman made the fol-

lowing statement: "It comes down to this. You have a problem to solve, so have we. Our problem is one of bread and butter for our people. We are not in a position to solve it unless we put more musicians to work. Now gentlemen, we come and ask you to help us solve it. If we persist in legal arguments it will get us nowhere. We should agree on fundamentals. These we must agree on, if we fail to do this we merely agree to disagree."

"Proposition No. 1 goes hand in hand with proposition No. 1. The purpose of each is to put more musicians to work. If you gentlemen can advise us of another method how this can be done, we will embrace it with delight."

The following stipulation was then read:

(5) "Only records of licensed manufacturers can be made by members."

The question was raised here that that would apply to recordings for dramatic purposes. The answer was to the effect that we had no jurisdiction or control over such records.

The following stipulation was considered:

(6) "Members of the Federation can only play for employers who use records which are registered and numbered in accordance with the agreement with the recording or transcription corporations and the Federation."

The Chairman pointed out that this stipulation was submitted to them as a matter of information only. That we will advise the recording companies that we will not play for such as use records which are not registered and numbered. We will not make any records in future unless this is agreed to by the recording companies. As to records we can only regulate the conditions under which our members will make them. It is not our intention to do anything that is inconsistent or hinders your business but we will avoid any activities which have the tendency to add to the damage already done us. The following was then read:

(7) "Records which are taken from the air or pilfered in any other way are not to be used under any circumstances."

After a short discussion the following was submitted to the conference:

(8) "Recordings made in accordance with the rules of the Federation can only be used at radio stations if the same number of musicians are employed at the radio stations which make the records."

The Chairman: "This brings us to the question of finding a yardstick of how many more musicians should be employed."

Mr. Baldwin, representative of NAB: "That is something to shoot at."

The Chairman: "Before we agree on anything we desire to find out what you have to offer. Certainly you gentlemen have pondered over this question now for 24 hours. You ought to have something to offer."

Mr. Baldwin: "It would be absolutely essential for us to obtain some absolute data at each particular place."

This precipitated a lengthy argument during which the Chairman made the following statements:

"Now is it not reasonable to assume, at least, I as the President of a labor union have always found it so—if you go to an employer and say to him that you desire an increase in wages, the first thing he answers is that he cannot afford it. It does not make any difference how much improved his business may be. He will submit to the demands or consider them if he is afraid that the worker will lay down his tools and no longer work for him."

"Business gets better, costs increase from time to time, but if the matter is left to the individual stations as to whether they can afford it, the majority of them will say that they cannot."

During these arguments, the following statements were made:

Mr. Woods: "Well, I do not think that we have any immediate yardstick with which we can measure that or offer any suggestions. I think there again it is a question of some study and some discus-

sion with the stations and an explanation of this problem will have to be made to the stations that are associated with us, at least in order to find out from them what the situation is. Frankly, I do not know that today and that is one of the things that we must take up with those stations that do not employ any musicians at all, then we would have to study the record and talk it over with them and perhaps we could come back to you at some future time. But overnight I don't see how it is possible or conceivable to offer any suggestions."

The Chairman: "This may be your opinion, but if we go about it in that manner, then it is absolutely useless that we continue the conference."

"If you say to the affiliates: 'The American Federation of Musicians insists that more musicians should be employed throughout the country by the radio industry and you will have to help us solve this problem,' we will get somewhere."

Here the discussion continued for a considerable time. A representative stated WOR had a contract with the Federation.

The answer was: "You mean that you have a contract with a local of the Federation?"

The Representative: "Yes. They affirmed the acts of their agent, I assume."

The answer was: "No, we have not so far. There never was a national contract made for any services for radio stations. The contracts were made between individual unions and stations. Nationally, we never assumed or exercised any control, and we are paying for it dearly now."

Mr. Prime, attorney for the National: "It does seem to me that your search for a yardstick is a tremendously difficult one and I don't think any such standard as wages or population or the rates of the individual station is a practicable thing. I don't say that to discourage the search, and I have not made the search myself, but I do foresee difficulties and problems that any such arbitrary standard could work out fairly in a sufficient number of cases, even admitting the possibility of exceptions."

The Chairman: "You take umbrage to rule No. 8?"

Mr. Prime: "Yes."

The Chairman: "And you ask if 100 musicians must be employed in a station where a record is made by 100 musicians?"

Mr. Prime: "Yes."

The Chairman: "Have you gentlemen anything else to offer? We have an open mind. We are willing to listen."

Mr. Prime: "All I can say is that I hope we can find something else, because I am afraid that to arrive at a yardstick will be very difficult."

The Chairman: "That is a problem for you people to solve."

Mr. McCosker, representative of the Mutual: "I see a collateral consideration in the absorbing of these musicians, before it can be arrived at as to how many men may be employed."

"So if we were to go immediately to some of these stations at this moment and ask how many men might be employed with all the persuasiveness that was possible, about the first question that the men would ask would be, 'what do they cost?' So I offer that as an integral feature that must be included before this persuasiveness must be brought to bear."

The Chairman: "Well, in the 232 local unions in which we have radio stations, the question is easily answered because every manager knows the union price for musical services at each station. In some places musicians are employed for such a pitiful figure that I am ashamed to name it."

A lengthy discussion of the record followed. Then a suggestion was to adjourn the conference to a later time. This precipitated the following discussion:

Mr. Bagley: "On perusal of the remaining proposition here, it does not seem that those beyond which we have gotten are highly controversial, and probably we might sit here a little while and clean the whole thing up."

Following this a lengthy discussion developed as to the number of musicians to be employed. The point was raised that the networks could not possibly demand

from their affiliates without any further information or investigation as to how many musicians should be employed. To all of this the Chairman answered: "This matter will be carefully considered by our Executive Board. However, we would not agree on a policy of delay."

Then the suggestion was made that a committee be appointed by the affiliates, and it would be a proper approach to the solving of the problem if this committee meet with our representatives to consider how this could be brought about. There would be a lot of work to do for all of them.

Upon further discussion, the point was brought up that a committee of the affiliates would only have power to act for themselves as nobody on earth would have power to act for every person at the conference. Thereupon the Chairman stated that it appears that we were getting away from the premise that we agreed upon, namely that we should agree on fundamentals and then further negotiations should be based on those fundamentals. If it should be left to the stations how many musicians should be employed, the number would be infinitesimally small. Thereupon the statement was made that the networks could not actually negotiate with the affiliates. What they would have to say to them is, "This is an act of God. Will you go along with them?"

To which the Chairman retorted that two-thirds of the records were filled with statements of that kind. Answer was made that it was three-quarters of their problem.

The Chairman retorted that 100 per cent of our problem is to put more musicians to work. That we have no other alternative except to go to the people who are representative of the industry to help us do so.

The conference then adjourned to a later hour of the day.

At the re-convening of the conference the suggestion was made that the first constructive step would be taken if our Federation would get out a letter setting forth our demands, the letter to be sent to all radio stations in the country. To this the Chairman retorted that they knew as well as we that we were negotiating with representatives of the industry then and there.

That the association of radio broadcasters was represented at the conference. That we had submitted to it copies of the conditions we insisted upon. That it was much better if they advise the radio stations instead of asking the American Federation of Musicians to do this. However, we had already acquainted the representative people in the radio industry with our demands.

Whereupon the statement was again made that the networks had no control over associated stations, therefore it would be more effective if our demands would be forwarded by us to them, and that after we had done this they would be perfectly willing to do everything in their power to work out the entire question to a successful conclusion.

To this answer was made that we were not of this opinion. That we were willing to address a request to the networks that they should advise their affiliate stations of the proposition which we had laid before them. They would know how to take it up with their affiliates.

A lengthy discussion followed concerning the advisability of the Federation addressing all broadcasters instead of the networks doing so in the case of their affiliates, and during same attention was called to the fact that a great number of stations do not belong to networks, nor are they members of the NAB. However, the Executive Board steadfastly held to its opinion that it would be best if the networks advise their affiliates as certainly it would be more practical that they should do so than that the American Federation of Musicians should turn to each of them individually.

Then the question came up as to the position of a network which owns a number of stations outright as, for instance, in the cases of the National and Columbia.

The conference was advised that if they came to an agreement with us in regard to these stations members of the Federa-

tion would continue to render services for them but not for other stations, unless the broadcasters controlling them would likewise do so.

Mr. Prime, attorney for National, then said: "The network stations will have to make agreements with you for the affiliated stations, for all network stations?"

The Chairman said, in effect: "I did not say that at all. I said that we are willing to work for the network stations which can make an agreement with us for the stations which they own. If the affiliates of your networks do not make a similar agreement with the Federation, then our members will not render musical services for them directly or indirectly."

Mr. Prime: "I am not limiting my remarks to the remote control situation. That I take it is just a means to an end that you want to reach."

The Chairman: "We mean all services."

Mr. Prime: "You want to reach an agreement with all stations covering the employment of musicians. Your position as to the network stations is that an agreement is to be reached through the network company with the American Federation of Musicians. As to the non-network stations, they are to be reached through the record companies."

The Chairman: "We are willing to work for these stations which are owned by the network corporations direct if they reach an agreement with us and each of the affiliate stations which likewise do so. The demand of the networks that we treat with each station individually came rather unexpectedly. This, if agreed to, would leave the American Federation of Musicians finally holding the bag. We do not intend to do it."

Mr. Woods: "It looks like the network companies are holding the bag at the moment, Mr. Weber. As I understand it, we cannot have any remote control broadcast involving union musicians to offer our network stations, unless we at the same time say to the network stations, 'Now you have come to an agreement along some lines—we don't know what lines—but you have to come to an agreement to employ musicians.' They say, 'Well, how many musicians must we employ in order to be on the fair list? We want to continue to carry your program.'"

The Chairman: "If you desire to negotiate with us along those lines, we will do so. We desire to come to an agreement as to the musicians to be employed by you in addition to those already employed and we tell you gentlemen that a few hundred would be unsatisfactory. The number must be considerable."

Mr. Woods: "In addition to the musicians employed by stations, there are probably hundreds of others that are employed by advertisers who perform over the radio and which are not listed as employed by broadcasting corporations."

The Chairman: "They are not employed by broadcasting corporations."

Mr. Woods: "It is all part of the same industry. If the broadcasting corporations did not exist, there would be no employment for those musicians through the medium of the broadcast."

The Chairman: "That is true, but will you tell me why the members of the Federation should continue to render millions of dollars worth of service for nothing in order to have the broadcasting corporations maintain their present arrangement or status of development? Suppose we would not have done so in the beginning? Why should we continue to make recordings that may be used in a hundred stations at one time, thereby making it possible for each station not to employ musicians?"

"You say we should permit recordings, and we ask you in return to considerably increase in the aggregate the number of musicians employed in the radio stations."

Mr. Woods: "Isn't the primary factor the recording companies? Put all of the recording companies together today and they can only render a very small part of the total day's broadcast as far as the music is involved, but as far as the phonograph records are concerned, they are tremendous."

The Chairman: "There are stations by

the hundreds which use nothing but records and electrical transcriptions. The rest of their music consists of sustaining and sponsored programs which the networks furnish them. If all the musical services should be counted in every station throughout the country, inclusive of the recording music which costs them little, and remote control music which costs them nothing, it would far surpass in value the services the musicians are actually paid for."

Mr. Woods: "The phonograph record would probably be the largest part of the entire total by far."

The Chairman: "It is recorded music, what difference does it make?"

Mr. Woods: "It makes this difference: on electrical transcriptions, that is, a product which is made specifically for the purpose of broadcasting and musicians are paid rates in excess called for in other programs."

The Chairman: "Such transcriptions can be used in 30 or 40 stations at one and the same time."

Mr. Woods: "A group of musicians receive \$50.00 per session, per man, whereas in the phonograph record that is made for private consumption and the station buys that record at 75 cents. The musician does not receive anything from the standpoint of that record."

The Chairman: "It is an injustice which is a matter of degree."

Mr. Woods: "There is a very definite distinction."

The Chairman: (Referring to transcriptions and phonograph records) "This distinction only applies on transcriptions only used once. It does not apply to transcriptions placed in transcription libraries and used continuously. We know of a corporation which bought thousands of phonograph records and dubs them into transcriptions and sells them to radio stations. These phonograph records may have been made ten years ago. There is an evil on both sides in the use of transcription as well as phonograph records. However, one may be greater than the other."

"We do not say that you cannot use records but we do say that in addition to their use, musicians should be employed by the broadcasters as they are put out of employment by use of records. Now you must admit we have a problem. How can you ask us to continue such conditions?"

Mr. Woods: "We are not asking that today. We are here for the purpose of cooperating with you and putting men to work. Frankly, I am confused and I would like to know as to what my next step is. Suppose I send out a letter to our affiliated stations tonight, and that thing seems to be extremely important and can be handled immediately. What am I going to tell those stations? Am I going to tell them that they must employ some union musicians? Well, that is fine. They will say, 'How many union musicians shall we employ and at what rates?' etc. Some of them have no musicians in the smaller towns. I am sure that in some instances there are no musicians."

The Chairman: "Twelve and one-half per cent. of your stations on your networks have musicians. The remainder have not. Eighty-seven and one-half per cent. have no musicians at all."

Mr. Woods: "Can I use the words 'some musicians?' Can I use those words and leave it to the station to determine how many musicians to employ and whom do they contact to make the arrangements? The local union? Do they agree to employ with the local union two men or three men?"

The Chairman: "If you agree with us on the fundamental proposition that more musicians should be employed, we are willing to sit down with you and find ways and means as to how they should be allocated. You tell us we have to write to the individual stations concerning such employment. We wouldn't have a chance to get together with the stations in a million years. We do not want to unduly handicap your industry, but this problem must be solved."

Mr. Woods: "We want to solve it. We want to do everything we can to solve it. Suppose I send a letter over my signa-

ture on the letterhead of the National Broadcasting Company tonight."

The Chairman: "The way you proceed is not our business."

Mr. Woods: "I am making this point. They say, 'What are you? Are you now in the employ of the American Federation of Musicians? You tell me how many men I shall employ in order to receive your network services in exchange. All right, if that is the way we are going to do business, tell me how many men we must employ so I will determine whether I will continue with your network services or whether I will drop it and give it up altogether.'"

"It seems to me there must be some answer to this thing, which can only be arrived at by sitting down with these stations, after the stations are fully conversant with the demands made by the American Federation of Musicians and discussing these demands with them, and with reference to these demands, I do not think that we are in a position at present to explain as intelligently and as forcefully as the Federation is. After the Federation has presented these demands to each individual station, then we can do a considerable amount toward helping in solving the whole situation."

The Chairman: "We will not do it because we know that as a result the entire matter would be side-tracked. What is there in the way of you saying to the affiliates: 'The American Federation of Musicians advises us that we are to inform you that it wants more musicians employed. Would you be ready to absorb your portion? If not, of course we will no longer receive the services of members of the Federation. We cannot send you their programs because they will not play for them.'"

Mr. Woods: "That would be a one-barreled gun. If it could be made a double-barreled gun it would be more effective. It could be made a double-barreled gun by the American Federation of Musicians issuing a letter outlining this thing."

Mr. Petrillo: "In our other class of business this is the way we do business. We call in the association that represents the hotel managers or we call in the theatre managers, and of course, they do not all belong to the association, but we do business with them because they run maybe 95 per cent. of the particular business we are negotiating for. Then the other 5 per cent if they come in, all right; if they do not come in we do not do business with them and leave them go. Now you are asking us a lot of impossible questions. I am not going to criticize you for it, but we are getting this thing in such shape that we do not know where we are at, that is, I don't. We came here with the idea in mind that you gentlemen here would represent at least 95 per cent. of the industry. Now we find you don't."

Mr. Woods: "We don't."

Mr. Petrillo: "Let us put the shoe on the other foot. You tell us whom you do control and that you are willing to do business for that many stations that you control and then we can give you a proposition. Instead of giving you a proposition for 700 stations we will give you a proposition for 40 or 50 stations, or whatever you got your hands on. You say, 'this is the number of stations we control, this is the number of recordings we use a day; this is the number of musicians we employ.' Then we can do business."

Mr. Woods: "We can do it in five minutes time."

Mr. Petrillo: "If we come to the conclusion that you are not controlling the stations we thought you did, then we will have to negotiate in a different way."

Mr. Woods: "We are willing to do what you propose right now."

Mr. Petrillo: "Where do we get? It still leaves us in the position that the stations that don't do business with you, you can't give them remote control because they are not fair to the Federation."

Mr. Woods: "How do you know they are not fair until you present them with your stipulations and give them a chance to agree?"

Mr. Petrillo: "I told you that we had the idea that you represented 95 per cent. of the stations in the country."

Mr. Murdoch: "May I ask a question? Apparently these gentlemen who represent the chains—and we are not flattering them when we suggest they are the brains of the broadcasting industry or they would not be where they are—have a lot of diffidence in informing the people in their chains of the set-up and therefore request that we do so. When they sold those chains, the advantages of the network, to the stations did they say, 'we are giving all this free music with the compliments of the American Federation of Musicians,' or did they say, 'here is a very valuable thing. We are giving millions of dollars worth that isn't actually costing you anything.' Why should they have any diffidence about going out now and telling them, 'we have been giving you this thing for years with the compliments of the American Federation of Musicians?' Now, the boys want a new deal, and it is a reasonable thing."

Then Mr. Kaye, attorney of the Columbia made observations, in part as follows: Referring to the affiliates he said "now it is not diffidence on our part in feeling that we do not want to communicate with them or have refused to communicate with them. It was the feeling on our part if we were the people to bring things to them they would say, 'There are the big fellows putting the screws on the little fellow;' whereas, if it came from an outsider (meaning the Federation) who has the power to put the screws on anyone at once and they came to us and we said, 'yes, gee, isn't this awful? We are going to do it and maybe you ought to play along too,' then we would be influencing, instead of being bad boys. That is the thought we had in mind." (Here he referred to a former suggestion that the Federation should take up the matter with the affiliate stations direct.)

After a further lengthy discussion, the Chairman finally stated: "I think we are running off on a tangent. Supposing now we take the stipulations and send them to you together with a request that you send them to your network affiliates. They will read them and then of course know that they contain the demands of the Federation. You can say to them 'if this is not adjusted on such-and-such a date, that then we can no longer furnish you with musical programs played by members of the Federation.' Then they will take counsel with you as to what is to be done. There is no doubt about that. Some stations will not want to do anything. They will be out, that is all."

After that Mr. Kaye made a lengthy statement to the effect that we should have a real attempt "to ascertain what every one of these stations should do in order to qualify as fair, I mean every station in the United States, so that as each one of these people sends in his inquiry—whether it comes to you or whether it comes to us or to Mr. Baldwin—we will be able to say not in terms of generality but specifically, 'The Federation feels you ought to hire extra musicians,' or 'The Federation feels that you should not take any phonograph records except under certain licensing conditions,' and isn't the only way at which we can arrive at this thing by a study of the situation and a study not in terms of generalities but a study of the problem of every station and what every station can absorb, and isn't the best way to do that by the cooperative effort of this Board and the industry represented?"

The Chairman: "You mean to ascertain how many musicians every station is willing to absorb?"

Mr. Kaye: "No. There is only one way to determine the number of musicians. You have to get information about that point and you have to make up your mind about what you want us to do. You have to make up your mind about what you think these stations ought to do. Now, the station is coming back and is going to trade with you like the dickens. You are used to that. Everybody trades with you."

The Chairman: "You have me at a disadvantage. I am not learned in the law."

Mr. Kaye: "Neither am I; I just bluff."

The Chairman: "There you have me again, I am not bluffing. We come to your industry and say, 'the industry as a whole has been benefited to the amount of untold millions of dollars by free music.' It has been placed in a position to have mechanical reproductions of the music of the finest musical organizations including phonograph records and electrical transcriptions, all of which have the tendency to, and do lower the employment opportunities of musicians."

"The radio industry to which we have rendered such immensely financial valuable services employs an insufficient number of musicians, therefore we say to it, 'we want the industry to absorb many, many more. Isn't it then the right procedure that you, in control of the industry with all others interested in it, to get together and find ways and means so that more musicians can be absorbed by the industry."

"If you cannot find a solution, like Mr. Baldwin indicated, unless each individual station will advise you of what it is in an economic position to absorb, the stations which employ no musicians now will still say they are not in an economic position to employ any, and, of course, will expect to be permitted to continue, as heretofore, to receive remote control music from cafes and restaurants, and have the services of great orchestras filtered into their stations."

"Now, just as soon as they are brought to the realization of the fact that this condition will be no longer continued, I have an idea that they will soon assist the industry to help us solve our problem."

Mr. Kaye: "You have not come to the industry and you have not the people in control of the industry. You have several organizations that own 22 stations. Now I do not think you can arbitrarily determine or we can arbitrarily determine how many musicians should be absorbed by any station. This problem is so big that no individual group in this room can solve it alone. If it is solved at all, it is going to be solved by cooperative effort."

The Chairman: "That is just what I said."

Mr. Kaye: "One of the constructive things we can do here, not in an hour or in an attempt to do it around this table or during lunch time, is to attempt to get all of the facts at our command, each of us, that will enable us to make such a contribution of ideas and will enable a fair standard to be made as to what this industry can do to help the re-employment of musicians, and it will have to be something the industry tries to do and not just the people in this room."

The Chairman: "The industry has to be brought to the realization of the fact that they can no longer have free music unless there is cooperation to employ more musicians. As soon as they find out the Federation assumes this position, it will, in my opinion, bring the larger of the other stations into agreement with it."

Mr. Kaye: "I agree."

The Chairman: "That brings us back to the proposition we made. That to those of you who control stations and are in agreement to meet our conditions, we will render services as heretofore."

Mr. Kaye: "My question is, can we go further than that in making a contribution to the solution of this problem of how the rest of the industry is to come in on this? I am willing to aid to such extent as we can in the wider problem. If you think we can make a greater contribution, we would like to try."

The Chairman: "That is rather speaking in the abstract. If I own a radio station and get along fairly well with my station, have fine programs furnished me under contract with a broadcasting network and have remote control music free of charge, and have at my disposal records and electrical transcriptions whenever I need them and which are very cheap in comparison with what living musicians would cost me, I would say I have no need for and I cannot afford to employ any musicians. No employer would reduce his profits voluntarily."

Mr. Kaye: "That is right. Only we will have to have something practical to tell him."

The Chairman: "Tell him unless he comes to some agreement with us about the matter, the Federation will not play music and have it filtered into his station, or music from cafes, restaurants, dance halls and night clubs, sent to his station by remote control. He will soon turn to you and ask in what manner this matter could be adjusted. You can then advise him of the reasonable number of musicians that he should employ."

Mr. Bagley: "That is the thought I had in mind this morning when I said, assuming for the sake of argument that they could not bind them by any action, that that would nevertheless, figured from the human element standpoint, bring about a result that will be astonishing."

Mr. Kaye: "We hope it will be persuasive, and we would like to help persuade them."

Mr. Lowman: "That is the real point. We want you to send out the letter."

The Chairman: "You gentlemen must give us credit for one thing, namely, that everything we say to you we only say after mature consideration. You still have our proposition before you, we are willing to render services to such networks and stations as are willing to enter into agreements with us. We are also willing to give you a reasonable time to advise your network stations what the position of the American Federation of Musicians is."

Mr. Lowman: "We have to write those letters. We can give them those rules but we must be in a position to answer their questions in a concrete way by telling them what they have to do and you have not told us yet."

The Chairman: "You always come back to your suggestion that we should do business with the individual stations. We are putting it up to the entire industry. We want more musicians absorbed in same and it is for you to solve the problem as to how it is to be done. Your industry has to come to some agreement with us."

Mr. Prime: "I submit there are three orderly steps here. First, a decision as to a fair standard for the particular station. It is just a starting point, it may not be the final standard. Second, advice to the station of your position on that. Third, some form of pressure, compulsion if you will, if they do not accede to that standard. However, to bring the compulsion first, by cutting out the remote control, before they are even advised of a demand and not advised of a specific demand, seems to me to be taking things out of order."

The Chairman: "Do you mean to tell me that I have not the right to withdraw something we have given you all along for nothing? I hold that we can do this at any time we please."

Mr. Prime: "No, Mr. Weber, I do not mean to suggest any such thing but certainly before bringing compulsion on the stations, we should be told of the situation, and, second, what we can do to remedy it."

The Chairman: "I do not want to be so presumptuous as to tell you what to do because how you go about it is your own affair. I do not assume that position for the American Federation of Musicians; neither does our Executive Board. We come to you and say 'help us solve this problem.' Now then, we will give you a number of weeks to sound out your people. We will come together again and you tell us just about how many musicians you can absorb. If the number is unsatisfactory to us, we will not agree or we will submit a counter proposition. It seems to me that this is the proper way to proceed."

Mr. Kaye: "In other words, for us to make our survey and after it is complete, to submit our notion of what it is, and to give you an opportunity to reject it or make a counter proposition."

The Chairman: "You come and tell us we can absorb so many musicians. We tell you whether the number is satisfactory. If the number is ridiculously small, it will not be satisfactory. We do not

want to mislead you. We want a considerable number of musicians absorbed. Go to your stations, tell them your problem, and counsel with them. Outline to them our proposition and then ask them in what manner the industry can absorb more musicians."

"Now isn't that a fair way to go about it? I am not telling you what to do, but you asked, so I answer you."

The meeting, which was well attended, adjourned to be continued on July 30th.

At the opening of the meeting of July 30th, the Chairman made an opening statement to the following effect:

"Gentlemen, last night we agreed to disagree on the proposition that the networks should write to and invite their affiliated stations to make common cause with them in the making of an agreement with the Federation as to the number of musicians they would employ in future. It is not necessary that we go all over the ground again. The proposition was made that we should send a circular letter to these stations. I explained the reasons why we could agree to do this. Then you left us under the impression that you could only speak for the corporations owning the networks and stations directly owned or controlled by them. Are you still of the same opinion?"

Mr. Woods: "We are of that opinion this morning. We are ready to deal for those stations that we own, manage and actually operate. We believe that it would be more constructive and possibly expedite the negotiations if we were to deal with a smaller group than the group present."

"There is one thing which we are ready to do and by 'we,' I mean the network broadcasters, and that is if you will present us with a letter to the network companies which I believe you agreed to give us yesterday, setting forth the stipulations submitted to the networks, we will transmit that letter to all of our affiliated stations."

Here a lengthy argument ensued between the Chairman, Mr. Finnegan and Mr. Fred Weber in reference to the position of the Mutual Broadcasting System.

(Note: The Mutual Broadcasting System is not maintained like the National and Columbia. It is a system consisting of a number of stations which merely interchange programs. Many of their principal stations are also affiliated with National and Columbia. It is not a corporation.)

During the arguments it was made clear that the Federation will make efforts to treat each individual station of each network alike—not to give advantages to one which it does not give to another. With the understanding that the National and Columbia, who are ready to continue negotiations with the Federation for the stations which they own and control, the conference continued and the Chairman explained to it that the Federation was willing to sign with any combination of stations which is ready to accept our proposition and do this under the same conditions as we were willing to agree to with the National and Columbia for the stations which they directly owned or controlled. That if any broadcasting corporation signed up with the Federation for the stations which it controlled and other stations affiliated with its network desired to come under the same agreement, the Federation would certainly have no objection. However, such individual station desiring to do this would have to meet the same prime conditions as did the stations owned by the network corporations—they would have to advise the Federation how many musicians they would employ and then the Federation would advise them how many it desired them to employ.

Mr. Woods: "You would sign the agreement with the individual stations directly?"

The Chairman: "We can do it that way or it can be done through you indirectly. They could come under the National or Columbia agreement. It simplifies it, and makes it easier."

Mr. Woods: "From the station standpoint, I do not think it would be prefer-

able to have them come in under the agreement, but make the same terms, make them come in under the same terms that the National or Columbia agree to."

The Chairman: "We have no objection to that. We are simply looking for a way to have the same conditions apply to every station for the entire network."

Mr. Finnegan: "When you say 'we' do you mean that the arrangement would be directly with the Federation or would an individual station make it with the local? Who are the parties to the contract?"

The Chairman: "If it is made with the local, it must be so made through the Federation. The question is nationally handled."

Mr. Finnegan: "Will the party to the arrangement be the National, or will it be the local?"

The Chairman: "Let me make this clear. As far as the stipulations we submit are concerned, the arrangements thereunder can be made with the local but same do not become effective until passed upon by the National. However, with the exception of the number of musicians to be employed, prices and working conditions remain a question of local autonomy."

"It is understood that if a radio corporation comes to an understanding with the Federation about stations which they own or control or if any other combination of stations does so, then the musical services rendered to them by members of the Federation cannot be transmitted to, or filtered into any station or stations which have no understanding or agreement with the Federation."

Mr. Kaye: "Can we have it repeated?"
The Chairman repeated the same statement. Then he continued:

"It seems to me that this is perfectly clear. Some stations make an agreement with the Federation. We work for them under certain conditions. Now if a station does not make such an agreement then it has no right to become the beneficiary of the agreement which another station made."

Mr. Prime: "The suggestion by you is not workable from our standpoint because of our contractual commitments and it does not seem to me that it is necessary. I am not trying to suggest to you how you should go about this but it does not seem to me that it is necessary for you to take this action involving us in breaches of contract. In the first place, it is scarcely fair to us when we are willing to deal with you on this basis. Assuming we are agreeable and have that agreement at our station, by that requirement you cause us to breach the contracts. It seems to me you can bring your pressure on these stations that have not reached the agreement with you by control of the record and transcription situation. I realize that you need something more than persuasion. Your case is most fair."

The Chairman: "You assume this position that you are willing to make a contract with us for the stations you own which we assume include the key stations of your networks which transmit their principal programs to all the affiliates associated with same, and that you do so on condition that you be left free to transmit your key programs to all stations affiliated with your network even though they will not make, or have not made an agreement with us."

"What is the use of making an agreement of that sort? You would not have a single station affiliated with your network that would seriously consider the making of an agreement with the Federation."

Mr. Prime: "I disagree with your point for three reasons. In the first place, the very fairness of your case, which we recognize, and which I think the public will generally recognize, the fairness that the broadcasting industry should absorb more employment in a reasonable time is going to speak for itself and accomplish the ends you desire. In the second place we are prepared to go along with you and cooperate with you in selling, co-selling with you your program, and we

are willing to set the example as the leaders in the industry by entering into such an agreement with you. We certainly should have great moral force with the other stations. In the third place, you can cut the remote control over those particular stations which do not join, which in turn will put pressure upon them, because they have been indulging in that practice locally as well as being the beneficiary of it by virtue of the networks. In the fourth place, by control of the record and transcription situation you can accomplish that result. You have just one-fifth the persuasive, forceful effort, and in so doing I do submit that you are unfairly involving us in very dangerous and substantial breach of contracts. You are weakening our influence in selling your programs to the stations, and I do not think it necessary, certainly not at this time. Couldn't we try the other four points first?"

The Chairman: "If a labor organization could always rely on the fairness of its cause, the time would soon pass that labor organizations would be necessary. Strikes would be a thing of the past: There never would be any labor unrest. However, I do not know of a single case as far as the American Federation of Musicians is concerned, that relying upon the fairness of our cause got us anywhere at any time. You are in error in holding that relying on the fairness of our cause will have any economic value for our organization."

Mr. Kaye: "Mr. Weber, let us see if I can amplify Mr. Prime's point. In the first place, we know through experience the feeling of the A. F. of M. with respect to respecting contracts and avoiding doing anything that is unnecessary to embarrass their customers, the people who hire their employees. We know something else, that you have a problem here and that the weapons of organized labor, insofar as they legally and morally can be used, must be used by you to solve that problem, and that you cannot rely on the good will of anybody to solve the problem for you and your cause if you throw away your weapons."

"Now let us examine for a moment to what extent these weapons must be used. In the first place, you must recognize that if the networks arrive at a deal with you with respect to all of the stations that they control, that the networks will have done everything that they can do everything that lies within their power to comply with your demands. If you insist beyond that—that their right to stay in business is dependent upon compliance of others whom they do not control, then you put the networks in the position of having to breach contracts and decide their business because once we breach and terminate our contracts with our affiliates our networks and we are gone and we are out of business."

"Now, our suggestion is, if you have in your bag of weapons enough weapons to accomplish your aim without doing something which you must recognize is unfair, namely saying to the man, despite the fact that you have done everything you can, I will put you out of business unless somebody else does something. If you can avoid this thing we feel you ought to at least consider it."

The Chairman: "You amplify and at the same time contradict the statements that your colleague made. You agree with us absolutely that the fairness of our cause will avail us nothing unless we use our economic power."

Mr. Kaye: "I do not think a labor organization can rely on it, certainly."

Mr. Bagley: "I am curious to know in regard to these contracts which you say are in existence, are they all made for a definite period?"

Mr. Kaye: "They terminate at different dates. They begin on different dates and therefore end on different dates."

The conversation continued for some time in the same vein. Finally the Chairman made the following observations: "No one can make use of recordings or electrical transcriptions who does not come to an agreement with the Federa-

tion. We cannot permit services of members to be transmitted to such stations either directly or indirectly, because doing so would oblige us to give to the recording and transcription companies unconditionally, the right to employ our members for the manufacture of recordings. Now then if that were so, the only thing we could withdraw from these stations that refuse to contract would be remote control music. They could very well make it an endurance test with the Federation. As long as they have transcriptions and recordings, and have music transmitted to them by key stations of your network, they can well afford to indefinitely delay to agree to the same conditions which the National and Columbia agreed to for the stations they own."

Mr. Woods: "Isn't there another factor there? I do not believe that the majority of the transcription companies have definite contracts with any of the locals for a continuation of musical services."

The Chairman: "It is always a condition that contracts are made with the provisions that the rules and regulations of the American Federation of Musicians apply thereto."

Mr. Woods: "The majority of the musicians are hired on a per diem basis or for a series of transcriptions, whereas the networks have contracts with the locals expiring at certain periods of time covering the furnishing of musicians to the networks. Now those contracts we made in good faith, and on the other hand, our contracts with the stations to furnish them services of musicians and programs were made in good faith."

The Chairman: "If you gentlemen insist that your contractual relations with your networks should be respected by the Federation, even though the Federation is not a party thereto, then it is absolutely useless for our Federation to make any efforts to solve the problem at present."

Mr. Woods: "We do not insist on that, Mr. Weber. I raise the point that we do have contracts with the locals of the American Federation of Musicians to furnish us with musicians."

The Chairman: "The locals are governed by the laws of their Federation and none of these contracts can be so construed as to interfere with the musicians' prior obligation to their Federation."

Mr. Woods: "I think those contracts, Mr. Weber, were all made in good faith and were made with the understanding that we would, during the duration of the contract with the local, transmit the programs over the networks."

The Chairman: "The same thing is true with us. We approach this proposition with you gentlemen in absolute good faith. We are confronted with an economic problem. Our cause is fair, but as far as your explanations are concerned, we have to assume that you are telling us in a roundabout way there is nothing that you can do to make an arrangement really effective to correct the situation."

Mr. Woods: "I do not agree to that. It seems to me as though everything must be done immediately, over night, right today. That is difficult to do in an industry as complex as ours, and in view of the fact that it takes time to get people together to discuss this common problem, I think we could make progress on this thing, and it would seem to me the fact that we are sitting around the table and discussing this, trying to find a solution to it, would indicate our good will in attempting to solve the thing with you. It cannot be solved overnight. It is going to take some time and that is what we are asking for."

The Chairman: "I agree with part of what you say, but if the reaching of an agreement from which we might rightfully expect a solution of our problem will be indefinitely postponed, then we, the Executive Board of the Federation, will of necessity have to come to the conclusion that our efforts to solve it are useless for the present. When you speak of the network, you include all of its affiliates, even those that are not willing to come to an agreement with the American

Federation of Musicians. Isn't that correct?"

Mr. Kaye: "That is correct, sir."

Mr. Petrillo: "I wonder if these gentlemen would show us the contracts they have with the smaller stations that they say are binding. I know the lawyers don't sign contracts that they can't get out of. If they did, they wouldn't be very good lawyers, and I appreciate that they are good lawyers."

Mr. Kaye: "We will be glad to make forms of our contracts available to you, Mr. Petrillo. We don't make contracts that we can get out of any more than the Federation has ever made a contract that it intended to get out of and not live up to."

Mr. Petrillo: "Our attorneys do not make up our contracts."

Mr. Kaye: "Our contracts are absolutely binding on us. Look at our practical problem. Suppose we go as far as we can as human beings, and agree with you at every point so that you say to us, 'Gentlemen, we have no quarrel with you; everything that lies within your power to do you have done. You are great fellows.' Then we go out to our network and those people are in the business for themselves, owning their own stations, and under the rules of the Federal Communications Commission cannot alienate the operation of their station or the control of their station, and we say to them, 'Now, look, we are in a terrible spot. If we don't live up to this thing we are not going to be able to serve you;' and they say, 'You are going to serve us, or we will sue you for breach of contract, or enjoin you or do anything else that lies within our power to do.' What kind of a position are we in? What in Heaven's name can we do then? If we attempt to give them the service you say you will declare us to be unfair. If we don't give them the service we have breached our contract and automatically destroyed our network and exposed ourselves to actions for damages besides. You are putting us in a position where you are asking us to do something which we haven't the power to do, and threatening us with death, if we don't do it."

The Chairman: "We do not threaten anybody."

Mr. Kaye: "I do not mean it in that sense and I apologize for the use of that word. What I meant was that the consequence of your action is we cannot have your members which we feel are essential to the business."

Mr. Petrillo: "But what right have you got to give nine stations remote control without protecting yourself on the contract?"

Mr. Kaye: "I am not sure our contract requires us to give remote control service."

Mr. Petrillo: "Then what is the argument?"

Mr. Kaye: "Perhaps we have misunderstood your point. As I understood Mr. Weber's point, he said to us we could not transmit services of any kind to stations which have no contract with us."

Mr. Petrillo: "That is right."

Mr. Kaye: "That would include the commercial programs and studio orchestra programs that we have contracted with you and your locals, and our advertisers to give them. If it only includes remote control, well we don't want you to do even that thing. It may be unnecessary, then at least you will not expose us to a breach of three contracts, our contract with your local, our contract with our advertiser, and the contract with our stations."

The Chairman: "It does not expose you to a breach of contract with the locals because the locals in making contracts with an employer are subject to the rules of our Federation."

"We admit you have a problem. So have we. Supposing the musicians would refuse to continue under the present set-up—and the danger existed at the last convention that they would so refuse, then what?"

Mr. Kaye: "Certainly our effort here is to find some way of solving that situation that will not be destructive to you

or destructive to us, and I say that such a way does exist."

The Chairman: "The present arrangement which exists now for 15 years is positively destructive to our interests."

Mr. Kaye: "We acknowledge it should be changed."

Mr. Prime: "Our efforts are directed to curing that. The only reason, I understand, Mr. Weber, for this suggestion we are discussing, is because of your feeling that without that there is going to be indefinite delay in curing this situation. I respectfully submit that is not a necessary consequence at all."

The Chairman: "Well, we disagree on that point. From our past experience, we have a right to do so. What incentive is there for any station to meet our terms if without doing so they can have programs transmitted to them played by Federation musicians and in addition thereto have the opportunity to use electrical transcriptions and recordings? Why should we permit stations to have the benefit of such services even though they have no contract with us?"

Mr. Prime: "We ask no concession. Just realize out of the 600-odd commercial radio stations only 178 are affiliated with networks. (NOTE: This number has been lately greatly increased.)"

"That leaves over 400 that will not be affected by this proposal which you are making. That means that you are penalizing the stations belonging to the network. You are not treating it in the same way as compared with a non-network station, and your control over the network station is not going to cover this other station. You will have to attack the other stations in another manner."

The Chairman: "That is not exactly so because if we make an agreement with you people for the stations you control, we must tell other stations which make no such agreement, you cannot have the services of Federation musicians, either directly or indirectly except under such conditions as provided in our agreement with other stations."

Mr. Prime: "That is true, sir, but unless you proceed through records or transcriptions you are not going to bring pressure against the non-network stations."

The Chairman: "We have to."

Mr. Prime: "My only point is that the same procedure should apply to the network system and not add the additional penalty against the network stations of putting us out of business."

The Chairman: "There are many stations which use the direct services of musicians which are not on the networks, and do not entirely rely on electrical transcriptions or recorded music. Some stations independent of networks employ more musicians than are employed by some stations affiliated with the networks."

Mr. Prime: "I accept that."

Mr. Birnbach: "Mr. Prime, answering your question, it is my understanding that the services of the network are available some 18 hours a day in most cases except where a difference in time is involved. If we attempted to control this proposition by records and transcriptions alone, they could still receive 18 hours through the network and we would not have control. It must be done through both."

Mr. Prime: "Our network services are not available 18 hours a day. We have to serve the public's interest and convenience, and necessarily under our Communications license, and that involves and requires the maintenance of local programs."

Mr. Birnbach: "There is another proposition. It can be available, and I can cite you a station which I happen to be acquainted with, operated by a manager of a peculiar character—a 50,000-watt station—who relies entirely on two services, transcription and network programs. He does not use a single musician from 7 o'clock in the morning until 2 o'clock the following morning. He does not use any live talent whatsoever from our organization. He has two services, by the network and by the transcriptions. You take the transcriptions away from him and perhaps you would cripple him and

over 40 per cent. He would still have 60 per cent. of his service from the network.

Mr. Kaye: "He would have music, but not commercial programs. Those fellows live and make a profit out of the commercial programs. The network furnishes him amusement of such a quality as to make his an outstanding station. His real profit comes because he can make his local sales with transcriptions. If you take transcriptions and records away from the network stations, that weapon will be as effective against the 170-odd stations as it is against the remainder."

Mr. Birmbach: "In this particular case I cannot agree with you because 90 per cent. of his profit comes from amusements. He buys transcriptions and leaves it on the shelf so nobody can get it."

Mr. Petrillo: "Are we putting ourselves in a position where we are discriminating against employers if we do that?"

Mr. Kaye: "I think you would be if you said to the employers, 'No matter what you do, unless other people do something, we will put you out of business.' That would be discrimination."

Mr. Petrillo: "Do you say we should use our power only where it concerns recording companies?"

Mr. Kaye: "No, I say use your power on the other stations. There are 600 commercial stations. Your power should be asserted equally against those 600 stations. It should not be exerted unequally against any station. There is only one way, and that is to exert your power equally."

The Chairman: "You tell us in other words that the only way we can come to an agreement with all stations to correct the unfair situation under which we suffer is not to render services to any of them. That means a general strike."

"Now, we came here for the purpose to avoid this if possible. If we call a special convention and advise it that we cannot get anywhere with you concerning our problem, the decision will be: 'We don't want to work anywhere for any network, individual station, recording or electrical transcription company.'

"You made another statement; you said that the local stations, which include those on your network, relied in making their money on the local advertisers. It seems peculiar if this is so, why they give to networks recording time for less money than they could receive from the local advertisers, and do this for the purpose of getting your key station programs filtered into their stations. For instance, I have a station and you come to me and say, 'We will give you our program provided you allot a certain radio time to us (generally the best time during the evening), and for that we will give you our studio program, fine concerts and so on,' and I accept, and give you the time you stipulate, although I could sell same to a local advertiser for more money. Why do I do it? Because it is in my interest for the reason that I improve the quality of my programs by receiving your fine key station programs. It is clear the stations who sell you time do not do so to oblige you, but it is in their own interest. Isn't that correct?"

Mr. Lowman: "Correct."

Mr. Kaye: "There is no dispute between us on that. It is the quality of the network program that enables them to sell its balance of the time locally."

The Chairman: "In other words, the value of the station would be less if it did not get the program. We agree with you on that, because after all, a program must be made as interesting to the listeners as possible. If they were satisfied with inferior amateur instead of professional music, professional musicians would rarely be employed at radio stations."

"Now then, it is agreed that the success of the stations affiliated with your network, is, in a large measure, at least in my opinion, and of course it is very humble, I assure you, dependent upon the musical value of the programs which they receive from your networks."

(Note: The remainder of the session was largely consumed with lengthy arguments about the proper procedure to cause affiliates of networks to come to some

agreement with the Federation concerning the employment of more musicians. The networks insisted that we should approach the affiliates. We insisted that the networks should do so.)

The conference recessed until 3 P. M. Afternoon session, July 30th. After some discussion of the record, the President of the NAB made the following observations:

Mr. Baldwin: "I would like to make a statement. I want to make it frankly and I want my statement to be considered just as friendly as it is frank. We are here to solve a problem. I think the best way for us to do it is to recognize the practical situation and all of the angles that are involved."

"Now, so far as 413 stations are concerned, I have experienced here in the last two days the dealing of cards from a deck which we have seen twice before, and that deck of cards spells just one thing, namely, the use of the network broadcasting companies to bring pressure, to coerce and to compel their affiliated stations to do whatever these network stations might agree to do. Previously the broadcasting industry had been torn apart by reason of such controversies. I believe, sir, that you place the network broadcasting companies, whom you properly designate as leaders of the broadcasting industry, in a most unfair position when you seek to negotiate with them an agreement the terms of which would impose upon them the responsibility of doing or not doing specific things; and I am sure that no matter what the network executives might say, that a great number of stations affiliated with them are going to believe that a few men sat down in New York City and told the boys in Oklahoma, and in Minnesota, and Kentucky and Alabama what they should do without regard whatever to the economic conditions and circumstances existing in their own localities."

"I do not believe that you, as an international board, want to be unfair, but I believe, and I say this with all respect, that you convened your meeting with the idea that a few people had sufficient influence and authority to tell 700 stations what they should do. That is not the case, and if we are not careful—and here I want to assure you, Mr. Weber, that anything that the National Association of Broadcasters can do to help you solve your problem, we want to do. We stand ready and willing to help you in every way that we can by the dissemination of whatever information you can give us, by a reasonable interpretation of your demands, by cooperating with the network companies and finding out what it is possible to do through joint effort. That we want to do, but I say to you and to the gentlemen of this Board that if we are placed in the position of going out to all of the broadcasting stations of the United States and telling them what to do when they have never had notice of this meeting and they have had no opportunity of attending it, and therefore when they are to receive instructions or suggestions, whichever you may prefer to call them, as a result of the representation here of these network companies, that instead of incurring the good will, to which you are entitled, you can only incur the ill will of those people and create in their minds the belief, rightly or wrongly, that they have not had a fair and reasonable opportunity to know exactly what your problems are and that they have not had a reasonable opportunity to discuss with you what their capacity is to help you solve your problem."

"I make that statement, Mr. Weber, at this point because it seems to me at the meeting this morning, particularly, the discussion pertained entirely to what the National Broadcasting Company on the one hand, and the Columbia Broadcasting System on the other might see fit to agree to. Time and time again the statement was made that if they would see fit to tell their affiliate stations what you, the network companies, should do, that they would follow their suggestions. I make it with all the sincerity that I have, with a desire to be helpful and to be

cooperative and to suggest that we ought to recognize that the deck has been used too often not to be recognized."

The Chairman: "Your statements, Mr. Baldwin, are nothing short of astonishing. They present the implication that designated the American Federation of Musicians has assumed a position unfair to radio stations in this country."

"We came to you and laid our cards on the table. We did not try to stack a deck of cards, using the networks as the trump cards to win the game when we saw we were in a hole, but we came to you and said, these are the conditions under which the musicians are in future willing to render services; these are our reasons why many musicians are breadless; these are the reasons which helped to bring about such conditions; for 15 years we have given you millions of dollars worth of work for nothing. We permitted electrical transcriptions and records to be made by our members without stipulating conditions for their use, and besides that many such are even made without the consent and knowledge of the musicians, but all of them are used in the commercial field with the result of reducing the employment opportunities of musicians."

"To whom are we to turn to help us to correct the situation? Are we to turn to each individual station and ask it to employ musicians, declare it unfair if they do not do so, and then advise the network with which it may be affiliated that it could not filter its programs into such station and thereby continuously leave the network in the position of not knowing to whom they could or would send their programs? That would place these networks in an absolutely impossible position. We have no other alternative except to go to the men that represent considerable of the most influential part of your industry, and advise them these are the conditions under which members of the Federation will in future work for you."

"We invited you to attend this conference so that you may be able to advise those associated with you, which, by the way, contain a goodly number of stations which are also represented by the networks, of the problem of the Federation, and its demand that it be solved."

"We had no other alternative except to proceed in the manner in which we did."

"You say that the cards are stacked against you again, and that it happened before. Insofar as the Federation is concerned, we do not stack cards. That is not our purpose. We are looking for employment for our men. Insofar as it happened before, we are not responsible for that and it is none of our business."

"I say to you now if you insist that the Federation must take our problem up with every individual radio station, it will bring us nowhere. The bitterness already existing among the members of the Federation will be increased. Insofar as your statement about bitterness that we may create in the ranks of our employers, by the methods we try to pursue in getting help to solve our problem, I will say, there is not an employer within my hearing who employs musicians for the mere purpose to give them employment. They employ the musicians because it is profitable for them to do so. If our efforts to create employment for our members create bitterness towards the Federation, it is just too bad and we will have to accept the condition if it develops. It cannot possibly deter us from trying to correct the injustice from which our members now suffer, which includes, first, the unregulated use of recordings and the furnishing of music by thousands of musicians free of charge."

"I have a doubt in my mind whether your industry could have developed to the proportions it did without the gratis help of regiments of musicians throughout the United States and Canada for many years."

"Now, if you force me to call a spade a spade, I will do just that. You say that musicians will have to go to these individual stations and inform them of our demands. Then the individual station can consider whether it is economically possible for it to employ musicians. I tell

you now, and I repeat what I said yesterday, an employer never concedes anything to a wage worker unless he uses his economic power. In the present case I dare say that no matter how profitable a station would be to an affiliate, his answer would invariably be 'I can't afford it.'

"They can't afford to reduce their profits. As to exceptional cases where a broadcaster cannot possibly employ a musician—Mr. Woods and the other gentlemen referred to such yesterday—we assured the conference of the fair-mindedness of the American Federation of Musicians to properly adjust them."

"Now, what would you want us to do? To call a conference of all the broadcasters? You can imagine as well as I can what the outcome would be. Everyone would fight for what he had. Nobody would be willing to give anything, and the Federation would be forced to call a convention and cease giving musical services to all of you."

"Now, our purpose was to acquaint you with the conditions under which we can continue to work for you. We read them to you. There were some objections to same, and we amended them, trying to meet your circumstances. Now, no matter what you may decide or will not decide, these are our conditions. If you do not want them discussed so they may be amended or changed if in our opinion conditions so demand, then they will have to remain as they are. We will then have to go to our local unions and say, 'this is what we have submitted to the radio broadcasting industry and their answer was, as an industry they cannot accept, and we should take up with each broadcaster individually.' I know what the answer would be."

"Instead of our placing you in an impossible position, you place us in an impossible position. You said that we attempt to use the networks as a club. There is nothing further from our mind. However, you cannot disagree with us that the networks furnish at least to the stations that are affiliated with them the finest programs that can be had, that they need the finest class of musicians, the flower of our profession, and that each station which does not employ musicians, but gets these programs through remote control, profits thereby. You must agree that this does not admit of contradiction as, if so, the affiliates would not enter into arrangements with the networks to have these programs filtered into your stations."

"I think I understand rightly that they could sell more time for a higher price to local sponsors than they receive from networks for the time they accord them at their stations. Why do they do it? Because they need the highest class of musical programs for the satisfying of their public or listeners-in."

"To whom else could we turn except to the representatives of the industry?"

"You represent, as you say, many hundreds of stations including almost all the network stations, if not all. Now you speak for them and say that the industry had no opportunity to know what we want, yet you have been listening to us for an entire week, and hundreds of representative stations are represented here. Surely, no one of you will deny the fact that all the stations profit by also having music filtered to them which costs them nothing."

"None of you can deny the fact that we have thousands upon thousands of musicians on relief and many more thousands in need of same. None of you can deny that inasmuch as music is so important to you that the employment is ridiculously small, and yet, this is the exact situation."

"This morning we were advised that for the stations the networks controlled, they were willing to make a contract in accordance with our stipulations. To this we said that we agreed, but the networks could then only filter our music into their own stations. We were countered with the argument that agreeing to this the networks would be disgraced, that they would be interfered

with; that it would interfere with their sponsored programs; that they had contracts with stations affiliated with the network; contracts under which they were responsible, and for these reasons it was impossible for them to make contracts with us unless we permitted music furnished by our musicians to be filtered into the stations which were not a party to same.

"As to our conditions we submitted them to you in a form of stipulation during a three-hour session. We said, 'Let us consider them and see whether the representative men of the industry present were willing to agree to them, and if they agreed, it would be necessary to also agree upon the length of time during which they were to advise all affiliates of networks of the conditions in accordance with which members of the Federation were willing to render services for the industry in the future.' What is there unfair in this? For the life of me, I cannot see it. What would you have us do? Send you a letter that from such-and-such a date on, within a week or so, we would not furnish any music to your industry except under the conditions of which we advised you? This would have been unfair, but it is certainly not unfair to proceed in the manner in which we did. I say again what I said at a previous meeting.

"Let us consider the conditions which the Executive Board of the Federation submits to you and under which members of the Federation will render future services to your industry, and then if you agree with them, we can consider how much time you would need or how long it would take you to advise every network affiliate of these conditions, and then see where we will get off at.

"Unless you follow this policy, regardless of what you may think about the unfairness of the Federation (and I resent the implication) we have to call a special convention. The result you would not enjoy. We had no other alternative except to proceed in the manner which we did. I see nothing unfair in it. You did not see anything unfair in it a day before yesterday.

"We became deadlocked on the proposition that if a record is to be played anywhere that then the same number of musicians would have to be employed that played the record. Up to that time we got along very harmoniously. We advised you then that this was a proposition given to you for the purpose of seeing your reaction so that you might be helpful to us in determining how we could solve that problem of creating much needed employment for musicians. Now we submit it in amended form. If you want to have it read, all right; if not, we will have to take your opinion as final. We cannot force you to listen to anything read you do not want to listen to."

After further statements the Chairman concluded by saying that he could not have spoken plainer. That he would not have spoken in the vein he did had we not been charged with trying to proceed in a very unfair manner in our attempt to have the radio industry employ more musicians.

Mr. Baldwin: "I think it would be very constructive if we could proceed to discuss any of the stipulations you have in mind so we might have the benefit of all voices and thereby be better enabled to discuss the matter with our principals."

Mr. Chairman: "All right, then we will proceed. The first three propositions which I am going to read have been amended to meet the objections of you gentlemen:

"No records or electrical transcriptions to be used at any stations unless the number of musicians satisfactory to the American Federation of Musicians is employed at same."

The Chairman: "Let me make this observation. This is a question that must have further consideration. You make a survey of conditions in your radio stations. We will make a survey of our unions insofar as employment of musi-

clans is concerned. Then when next we meet we will then know what our demands will be as to the number of musicians we desire to be employed. They have to be considerable, gentlemen. Is there any objection to this?"

(No response.)

The Chairman: "Hearing none, I assume all of you gentlemen agree."

Mr. Baldwin: "May the record show that the managing director of the National Association of Broadcasters is not in a position to commit any of its members."

The Chairman: "It is not a question of an agreement or a contract, but a question of agreeing upon a premise upon which negotiations can continue."

Mr. Baldwin: "May I ask one question for enlightenment? The phrase 'satisfactory to the American Federation of Musicians,' as I understand it, means the International Board, is that true?"

The Chairman: "Between conventions the International Executive Board has the same power as a convention itself unless it is otherwise instructed. In this case it has been instructed that if we do not agree it may call a special convention."

Mr. Streibert: "If I may speak for an independent station, WOR, I would like to have the record show that in the event No. 1 is carried out and the volume of transcriptions bought by advertisers is materially reduced, it would at least affect our ability to employ musicians, not to say the number of musicians, but I want to make that clear."

The Chairman: "The answer to the question is that if you agree to employ musicians, accidents to which you refer could not develop."

Mr. Streibert: "An advertiser must have, we will say, 20 markets in order to use a spot transcription campaign. If he can only get 10 altogether he will not use our medium but will go into magazines and we will lose because of other stations which do not comply."

The Chairman: "The electrical transcriptions made by our musicians could not be used on stations that do not agree with our conditions of making transcriptions. This problem would have to be worked out by the industry itself."

Mr. Streibert: "The problem is the advertiser will not go into that medium."

The Chairman: "If the advertiser only wants to use your medium at the expense of interest of the musicians, it is regrettable. Our position would have to remain exactly the same."

Mr. Streibert: "You understand what the eventuality would be?"

The Chairman: "I do. It may be the case you cite would be an exception, I do not know. A day before yesterday there was no objection to that rule."

Mr. Streibert: "Mr. Weber, I think perhaps the transcription companies who sell these spot campaigns to advertisers will have more to say on this particular point."

The Chairman: "The transcription companies and the Executive Board of the Federation have met and they are going to meet again. We have not had one-third the trouble with these corporations that we have with the broadcasters to come to some understanding."

Then question No. 2 was read:

"To have musicians employed at radio stations or to have a station use records or electrical transcriptions of musicians belonging to the American Federation of Musicians, such stations must be licensed by the Federation."

"I explained to you why, and after the explanation there was no objection. This was practically agreed to before."

Mr. Finnigan: "That was the equivalent of your fair or unfair list, was it not?"

The Chairman: "We do not desire to give an advantage that the others do not have. Are there any further questions, gentlemen?"

(No response.)

Then the Chairman read:

"(3) Radio stations may make records or electrical transcriptions for audition purposes or for their own record but such records or electrical

transcriptions must not be commercially used.

"Now you agreed to that the other day."

Mr. Baldwin: "I beg your pardon, Mr. Weber, I did not."

The Chairman: "On behalf of your organization, you have it in your hands, Mr. Baldwin, to object to any and all these propositions and thereby create the impression that the radio industry as such has disagreed, whereas the representative people of the industry who are here did agree, and they belong to your organization. What I want to know is this, Mr. Baldwin: If the networks which are represented here agree to a proposition, how can we accept your statement that you disagree as consistent, if you include in same also those which have agreed?"

Mr. Baldwin: "I hoped the statement that I made on my first appearance here might follow through at all our meetings, and that is that insofar as those persons who are here at these meetings representing stations are concerned, that no statement that I make is intended to reflect their opinion one way or the other.

"As to No. 3, and to refreshen our memories, you may recall that I objected to it on this basis, that we as a national association of broadcasters stand in favor of free and open competition, and therefore we would oppose any rule which would say that A and B can manufacture electrical transcriptions but that C and D, even though they might live up to all the regulations, cannot do it. That is the only reason we object to it."

The Chairman: "I have only read part of No. 3. I am glad you said that. We say in answer to your statement:

"Furthermore, radio stations desiring to manufacture records or electrical transcriptions must agree to the same rules and regulations as do recording companies or companies manufacturing electrical transcriptions and be licensed by the Federation.

"We will give you the same right to make records and electrical transcriptions under the same conditions as we give to others. You must be licensed by the Federation but you must not make any records or any electrical transcriptions for audition purposes and then dispose of them in the commercial field."

The discussion continued in this vein for some time.

Thereafter the following statements were made:

Mr. Shephard: "Mr. Weber, there is another question on that that arises. In some cases the program is fed from the network at a time when the station is unable to broadcast it at that same particular 15-minute period. In some cases the transcriptions have been taken of those and played later in the same day. That happens not because of any deducting of pay to the musicians or anything of that kind but simply because of the limited time that is available to stations. For instance, we may have a program coming from New York and are broadcasting a baseball game which might run over the 15-minute period of whatever it is and we are unable to take that program at the time it is fed to us. We make a transcription of that program and play it only once, which we are entitled to broadcast that program under all the existing rules, but we just couldn't put it on at the moment it was available. I think that should be taken into consideration when ruling on that. It is not with any desire of doing anything that is not strictly on the level and aboveboard but simply because of certain circumstances that do arise. That has happened quite a few times."

The Chairman: "We are the last people on earth to challenge the good faith of any speaker.

"The observations made by Mr. Shephard are corroborated by Mr. Woods and others and therefore the Chairman advised the conference that the Executive Board of the Federation would take the matter under consideration."

The Chairman proceeds with reading No. 4:

"Members of the Federation will not be permitted to play for any broadcasting studio if their services are transmitted to a radio station

which uses records or electrical transcriptions but does not employ musicians.

"Are there any observations?"

(No response.)

The Chairman reads No. 5:

"Members of the Federation can only play for the manufacture of records or electrical transcriptions if the company, firm, corporation or individual making same is licensed by the American Federation of Musicians."

The Chairman reads No. 6:

"Members of the Federation can only play for employers who use records which are registered and numbered in accordance with the agreement with the recording or transcription companies and the Federation.

"We will advise you what transcription companies we have agreements with. With reference to numbering and registering, this is only insisted upon for the purpose of doing away with wildcatting of records, that is, stealing sustaining and sponsored programs from the air. To make it difficult to manufacture records of stolen music and put them on the market without the knowledge of members of the Federation and even without the knowledge of the broadcasters. Is there any objection to this?"

Mr. Baldwin: "As a matter of information, may I inquire whether under this provision you would outlaw electrical transcriptions that have been made in a lawful manner specifically for broadcasting purposes previous to this conference?"

The Chairman: "You are referring to the library records. No provision is contained in this stipulation that library records and other records may not be used at any station provided musicians are employed in same.

"Now then, we come to No. 8:

"Records can only be used at radio stations if same employ a number of musicians satisfactory to the American Federation of Musicians."

Mr. Bagley: "That is the same as No. 1 practically."

Mr. Woods: "The old No. 8 said, 'The equivalent number of musicians.'"

The Chairman: "It is the same as No. 1. This again would raise the question of the time element to ascertain how many musicians could be absorbed."

The Chairman then reads No. 9:

"All contracts with radio stations made with members of the American Federation of Musicians must be under the conditions agreed upon between corporations making records and such as make electrical transcriptions."

(No response.)

The Chairman reads No. 10:

"An announcement of a mechanical production must in all cases be clearly made so as to make the public fully aware of same.

"Furthermore, each program of a broadcast published or caused to be published in a newspaper or trade publication shall indicate clearly those portions of the program which are broadcast from electrical transcriptions or records."

(NOTE: This proposition was made on behalf of the Federation by Attorney Ansell, Jr.)

The Chairman: "The purpose of this is so that the public may know what part of a program is mechanical and what part is living music."

Mr. Baldwin: "Mr. Weber, may I suggest without arguing with reference to the purpose here, if it can be understood that as a general rule the newspapers edit copy to suit themselves and the station, as a matter of fact, has no choice whatever in the selection of words to describe the programs to be broadcast."

Mr. Ansell: "If you furnish the newspaper with a copy which indicates the portions of the program which are transcribed or recorded in good faith you will have complied with this stipulation. What the newspaper does is not in your control or ours."

Mr. Woods: "For 15 years we have tried to get the newspapers to carry the notice of our broadcasts the way we prefer them and we have not accomplished that as yet."

The Chairman: "I can understand why. Sponsors would perhaps advertise through newspapers if it were not for the radio."

Mr. Bagley: "I think this rule will be the triumph of hope over experience."

Mr. Woods: "There is no objection on the part of the National."

The Chairman reads No. 11:

"The Federation is ready and willing to permit transmission of music made by its members to a radio station which employs an orchestra and which in addition thereto uses nothing but records made by licensed recording companies."

Then No. 12 is read:

"All contracts made by members of the Federation must contain stipulations in accordance with which records can be made and the stipulations under what conditions the services of studio orchestras may be transmitted to other radio stations."

The Chairman: "This is declaratory. It is only a rule which the American Federation of Musicians will adopt and which is for the protection of such parties as will come to an agreement with us."

No. 13 is read:

"In no jurisdiction of any local of the American Federation of Musicians can members play for an employer in contradiction of any of the above rules."

The Chairman: "This is submitted for the protection of the radio industry and of such of the recording industry which consummates an agreement with the Federation."

No. 14 is read:

"All contracts between members and radio corporations, stations or networks, or trade agreements between local unions of members and radio corporations, station or networks in order to be valid must be approved by the International Executive Board of the American Federation of Musicians, the President of the Federation or any authority designated for that purpose by the Federation."

"Furthermore, contracts must contain all stipulations under which members of the American Federation of Musicians can make records or render services for radio corporations, stations or networks."

The Chairman: "Now gentlemen, these stipulations contain the conditions under which the Federation is willing to permit its members to continue to render services for the industry. The purpose of it all is the employment of more musicians. If a radio station employs musicians, it may use programs filtered into the station, whether the program be a studio, sustaining or sponsored program. In addition to this, the station may use records and electrical transcriptions manufactured by corporations or persons who are licensed by the Federation and employ its members."

"Now we are ready to go into discussion with you concerning No. 1 and No. 2 which contain the stipulation that if a record is played over the radio, the same number of musicians must be employed by same as were employed in the making of the record. This merely means that in order to have records used or to receive any programs from any radio station, members of the Federation must be employed at the station using the records and receiving such program."

"You raised the question that there may be exceptions why this could not be done. We advised you that if exceptions should develop, to lay them before the Federation and you could rely upon its fairness to adjust each individual situation in which the necessity to do it had developed."

"Now, then, what is your opinion, gentlemen, as to how your industry could employ more musicians? Would you be kind enough to give us your opinion now how many more musicians could be absorbed by your industry than are at present employed by same?"

Mr. Woods: "I would say this, Mr. Weber, and I think I made this same statement the other day, that it is very difficult for me without first consulting with our stations and studying this problem from a standpoint of each individual community that we are interested in as to

how many individual musicians could be employed. I think that is one of the basic problems that we have to solve, and that is a problem that I am perfectly willing to devote all my energies to until the question is solved and meet with you gentlemen as long as it is necessary to meet with them; but today I cannot venture any opinion or estimate as to how many. I hope that the number will be a substantial number."

The Chairman: "So the time element enters into it?"

Mr. Woods: "The time element does very definitely enter into it. Frankly we thought we would do this tonight; we thought we would communicate with all of our stations and we planned to do so and advise them of the demands or stipulations that have been presented to us by the American Federation of Musicians. It will take several days before we get answers from all of those people. Some answers will come in immediately. In other words, we will begin to confer with them immediately so that a far better estimate or general sizing up of the situation could take place and will take place over the period of the next four or five days, but these telegrams going out tonight will reach the stations tomorrow when a great many people are away over the week-end. They will probably receive them Monday at the earliest. Monday, Tuesday, Wednesday, we will be in conversation with them over telephones. I know a number of them will want to come to New York themselves because this is a very serious problem as far as they are concerned and it is going to take some time."

"Furthermore, they are going to say to you, one individual man, and the individual is the only one who is interested from the standpoint of how many musicians he is going to employ, he is going to say, 'Well, how many do you think we should employ?' He will say, 'I want to talk with the American Federation of Musicians. They are the people who are presenting me with these stipulations second-handed. Have you any ideas as to how many men they want me to employ and at what rates do they want me to employ those men?' Then we will get down to some basic facts which will enable us to make some progress, and I think that progress can be made consistently and rapidly if we all devote our energies and attention to it, and I for one am perfectly willing to do it."

Then a lengthy argument ensued as to the time that would be necessary to have the networks contact their affiliates. The Board assumed the position that undue delay could not be agreed to. After a short recess taken by it for the purpose of considering the period of time necessary for negotiation and conferences between broadcasters among themselves and their networks concerning our proposals the Board suggested to the conference that approximately six weeks ought to be sufficient.

As a result the date for the next conference was set to be September 16th. Meanwhile a sub-committee of the Board was to be held in readiness to explain further the position of the Federation to broadcasters or to answer any questions which they desired to submit.

With relation to Stipulation 3 the following was suggested:

"In the event that a sponsored program cannot be put on the air at the exact time allotted to it, an electrical transcription may be made of such program to be put on the air on the same day but the American Federation of Musicians must immediately be advised that such has been made and the record of such transcription must be sent to the American Federation of Musicians to be destroyed."

The Chairman: "At the conclusion of this conference we came to you in good faith and in our humble way we tried to explain the position the musician finds himself in and the condition under which he is willing in the future to render service for radio stations or for radio corporations or services for your industry for electrical transcriptions, recordings and radio broadcasting."

"We have acquainted you with the conditions upon which the Federation insists. We give you now sufficient time to explain this to every individual broadcasting station of your networks."

"Now, I hope and trust that you are mindful of the circumstances that we are willing and intend to continue to render services to your industry. All we ask is that you put more musicians to work."

"I already advised that their number will have to be considerable. We did all we possibly could to avoid a general strike and we hope you will be helpful to us so that we may be able to be equally successful in the future."

"If the number of musicians put to work is satisfactory, we have solved the problem."

Mr. Baldwin: "Mr. Weber, may I ask who is your chairman of the committee of three that we might communicate with?"

The Chairman: "The President of the Federation is the chairman of the committee of three; however, he has the right to appoint a substitute in his place. There always will be three members of the Board ready to confer with you. Now this committee has no authority to decide anything. It merely explains the reasons for the stipulations that we have read to you and why the Federation insists upon them."

Mr. Kaye: "Mr. Chairman, will that committee have authority to send out publicity releases or some other form of advice so that the 200 stations which cannot be reached perhaps through us will be apprised of what is happening?"

The Chairman: "I will answer the question with a question. Will you advise us of the number of stations and where they are located that are not affiliated with you?"

Mr. Kaye: "Of course, that will be after conference, if we decide we cannot reach them all."

The Chairman: "We will take this under advice. The Board will remain in session for three or four additional days. Is there anything else, gentlemen?"

Mr. Lowman: "May we attend your sessions if we desire?"

The Chairman: "If you so desire, all right."

The Chairman: "If there is nothing further, gentlemen, let us wish ourselves good luck and adjourn."

Conference With Electrical Transcription and Phonograph Manufacturers

On August 2nd two sessions were held. At each of them manufacturers who had not attended previous meetings were in attendance.

The usual discussions concerning our stipulations developed, during which Mr. Sprague made the following statements:

"Now, as transcription makers we make records which are used exclusively for broadcasting. We are not interested in the use of those records by hotels, cafes or restaurants, and we are not interested in phonograph records, which are also included in this meeting."

"Now, we are naturally opposed to the proposed regulation which prohibits the Federation members from making records unless musicians are employed at the places where they are used, principally for radio broadcasting stations, because here it says 'where the use of records has the result of destroying employment opportunities of members.'"

"Now, we believe that the non-employment of union musicians is not due to the broadcasting of electrical transcriptions, but it is rather due to the change in the theatrical business brought about largely by sound pictures where the music has been recorded on the film. This has displaced undoubtedly many thousands of union musicians."

"Now, our transcription business we feel has helped to add to the employment opportunities of those men who have been displaced by the theatre, and we don't feel that it is right that our business should be burdened in any way, as it will be by this regulation, in order to cure the ills brought about by a different industry, and we believe that the cure, if

any, should be sought from the industry that brought on the sickness."

"In other words, we feel that there should be no restrictions on the use of electrical transcriptions by broadcasting stations. The musicians for those records are paid fees, they know that the records are going to be used exclusively for broadcasting purposes, and we urge upon you that whatever you may do with regard to phonograph records—a matter with which the Brinkerhoff Company is not concerned—that you leave as they are the makers of transcriptions and the users of transcriptions."

"Now, if your mission is to get rid of the phonograph records, then, the best way to get rid of them is not to restrict the use of transcriptions, and I will tell you why. If you restrict both phonograph records and transcriptions on the same plane, the stations are going to use, because of economic reasons, the cheaper form of recording, which is the phonograph record. It is cheaper to them."

"Now, if you are interested in getting rid of phonograph records, we believe that it would be better to leave the transcriptions as they are and restrict, if you must, the phonograph records. If you restrict them both, the use of phonograph records will increase and the use of transcriptions will diminish, and the result will be that the hundreds of thousands of dollars that are paid to union musicians, paid for making transcriptions, will naturally tend to diminish."

"In any event, we urge you to make a distinction between phonograph records and electrical transcriptions which are made exclusively for broadcasting, at least for a time, so that a check may be made of the results to see whether or not the employment opportunities of musicians have not been enlarged by the making of this distinction."

To this the answer was made as follows:

The Chairman: "I noted your observations very carefully. You are really protesting against the Federation enacting rules for the governing of their own members because such rules may be a disadvantage to the industry which you represent, and you state that you protest against the regulation of the phonograph recordings and the electrical transcriptions being put on the same plane. That leads me to believe that you have a mental reservation that the electrical transcription may be regulated, but not in the same manner that phonograph recordings may be regulated."

"The substitution of electrical transcriptions for phonograph records would leave the American Federation of Musicians eventually in the same position that they are in now. You would be simply substituting one method of use of recordings for another. Electrical transcriptions may be used in numerous places at one and the same time. That is exactly what happens with phonograph records."

"You have libraries of electrical transcriptions. You have an opportunity to go back to your library and pick out the transcriptions you need, dub them into new transcriptions and sell them to prospective employers without the necessity of employing musicians, leaving us again in the same position in connection with the use of electrical transcriptions as we find ourselves in with the phonograph industry."

"The American Federation of Musicians can no longer, without proper regulations, permit its members to make any electrical transcriptions or phonograph recordings that can be used in numerous places at one and the same time, as in many places in which they are used employment opportunities for musicians are destroyed."

"If the musicians continue to make records that can be used anywhere for any purpose whatsoever, I will repeat what I said to the broadcasters: You narrow the field of musicianship, and the time will come when available musical talent will fail to be sufficient to keep music at its present artistic standard."

"We cannot see any appreciable difference between a library of transcriptions and a library of phonograph records. Whereas the use of phonograph records has a larger field than that of electrical transcriptions, nevertheless, in the field where electrical transcriptions are used the result for the musicians is the same as if phonograph records were used. Both may be played in many places at the same time, they may be dubbed to make new records and be used over and over again. The only difference is that at times an electrical transcription is made for an individual sponsor to be used once and is then destroyed, that is, it is not placed in a library to be used for purposes already explained, and to which we object.

"Even if an electrical transcription is made for an individual sponsor, it can be used in numerous places at one and the same time.

"Electrical transcriptions, phonograph recordings, do take the place of musicians that otherwise would be employed. This is the problem which the Federation must solve. And for this reason we have requested you gentlemen to sit with us and try to help us find a solution of our problem. It is not our intention to destroy your industry, but it also is not our intention to continue making records unless their use is regulated so as not to destroy our employment opportunities.

"I think our position has been sufficiently explained. If you gentlemen do not desire to help us solve our problem, then, you leave us only one alternative, and I hope that we may not have to take recourse to same.

"You say that you protest against the Federation insisting upon regulations applying to musicians serving your industry. You are an attorney. It is news to me that an employer can protest to a labor organization as to the regulation of the conditions under which their members are willing to render services. After all, to decide upon such regulations is the inherent right of a labor organization, and we will not for one moment consider any suggestion that we have no such right.

"We are not protesting to you gentlemen as to anything that you would like to do or want to do in or for your industries. If you have rules and regulations which regulate the conditions in your industries which are disadvantageous to the musicians, we certainly have the right to say to you that we do not care to work for you; equally, if matters are reversed, we cannot force you to employ us.

"Now, we came here in absolute good faith, and I have no doubt but that you did the same thing. I don't blame you people for not wanting your industries disturbed in the event that the present conditions prevailing therein are satisfactory to you, no more so than we would like to have that done to us if conditions were satisfactory to us. But with us it becomes a question of bread and butter, and employment for our members, a question of the future of musicianship and a question of the standard of music in this country. Unless we can solve the problem, and we request you again to try to help us solve it, the only alternative the Federation will have is that its members no longer play for recording or transcription companies until it is solved. The same thing applies to the radio industry.

"That is all I can say to you, sir."

After this, the question was raised whether this was a conference between the Federation and the electrical transcription manufacturers or a conference between the Federation, the electrical transcription and phonograph recording manufacturers. The electrical transcription manufacturers stated that their problem was unique, therefore they would like to be present at all conferences and the Chairman advised that they had a perfect right to stay.

Mr. Sprague (manufacturer of transcriptions) then made the following observations: "Mr. Weber, I want to correct my impression you may have of feeling,

as you stated, that we are not here in a spirit of cooperation. We are. We understand your problem. I merely stated across the table here that we felt it was not right for an industry which has come in here and has superseded phonograph records and has given employment to many hundreds or thousands of musicians, many hundreds of thousands of dollars have been spent annually in this work, which otherwise would be no additional fee to the musicians, should be taken up and made more burdensome to the transcription makers.

"Now, originally, when broadcasting started, it was only a question—there was only the live talent and the phonograph records; most every station used only phonograph records. As soon as it got out of the experimental stage, it was gradually superseded by live talent. Later on the transcription makers conceived the idea of a better type of record, one more suitable to broadcasting, and that is when the transcription companies came into the field, and they have given employment, employment which is new employment, to musicians, not taking it away from musicians, but giving added employment.

"As far as the dubbing of transcriptions is concerned, we are not doing any dubbing. We are not interested in it, and you have a regulation against the dubbing of records, which we are in accord with."

He was answered as follows:

The Chairman: "The reason why I challenged your right to protest, was that if the Federation heeded your protest it would agree that it had no right to make rules and regulations to govern its members. Now, these regulations will become the law of our organization and will be binding upon all its members. We have a perfect right to adopt and enforce them.

"I attempted to make it perfectly clear that whether the phonograph records are substituted for electrical transcriptions or electrical transcriptions are substituted for any other method of recording, the unfavorable result for the musicians will always be the same.

"Your attention must also be called to the fact that the few musicians that are employed to make electrical transcriptions are a mere handful compared with those who would be employed were such transcriptions not made. If I remember rightly, you also made a statement that if the electrical transcriptions would not be made some other form or means of making recordings would be used or your sponsors would not use any at all.

"Well, gentlemen, that is a risk we of the American Federation of Musicians are willing to take. If the radio industry cannot absorb any more musicians than it has, then, we are willing to make the sacrifice and to forego the employment that we now have in the making of electrical transcriptions or recordings or even such as we have in the radio industry.

"An electrical transcription can transmit music over the radio to ten million listeners at one and the same time. This transcription is made by a handful of musicians. If its use would be regulated, the probability is that more musicians would be employed, not in the making of transcriptions but in the places where same are used.

"I have to make an explanation to you as to the conditions of the radio and recording industry insofar as same affect the musicians. Let us consider a radio station. It may or may not belong to a network. It has filtered into it music from restaurants, hotels and cafes, which costs the station nothing. For the last 15 years from three to five thousand musicians have given to the radio station such music free of charge. We hold that this had something to do with the radio industry developing to the wonderful dimensions it has. Music was for a long time inexpensive to it.

"In addition to that, the station receives network programs from key stations. Eighty-seven per cent. of all stations fill the remainder of their programs with electrical transcriptions and recordings made by our members, and as a result employ no musicians.

"And it is very peculiar—and may interest you—that independent stations which do not belong to networks employ relatively more musicians than the network affiliates."

The Chairman continued to further explain the reasons for our demands, ending by saying:

"If you are willing to confer with us to the end that the problem may best be solved, we are willing to do so. Of course you are the judges whether or not you are willing to do so."

Then Mr. Sprague made the observation that they are ready to continue the consideration of the Federation's propositions and their desire was to cooperate.

After this all the stipulations were considered seriatim with explanations made by the Chairman and Board in reference to each of them.

During these discussions the opinions of the electrical transcription and phonograph manufacturers clashed.

Finally Mr. Kendrick, manufacturer of electrical transcriptions, made the following observations:

"For the benefit of the Board, let me say that the legitimate transcription company which makes sponsored programs for advertisers, performs in that capacity and in exactly the same status a network functions. In other words, a group of musicians employed by an advertiser is placed on a particular program or series of programs. Now, another advertiser employs an entirely different number of musicians for his series of programs, and as a result of that in the course of a year's time a great many and quite a number of different groups of musicians and a great number of musicians are employed throughout the year which are not the same normally."

The Chairman: "You mean to tell us that because sponsors come to you and desire to have their programs made, and each sponsor employs different musicians, that for that reason the electrical transcription companies employ more musicians than others would? Are you willing to confine yourself to making transcriptions that sponsors want?"

Mr. Kendrick: "You are introducing another question. Now, I was going to cover the other question which you have raised, and that is in connection with the production of library recordings. In the course of our experience in the production of library records we have used 67 different groups of musicians throughout that period. In other words, there is a turnover in that respect wherein we maintain in the catalogue all the time—"

The Chairman: "Let me ask you this question: For how long a period do you employ each group? Agreeing that you have 70 weeks of employment, and each week you employ different musicians; so each group only plays once in 70 weeks. How does that solve the problem to create more employment for musicians?"

Mr. Kendrick: "No, because there is a constant run of the various groups in production all the time. Now, that results and has resulted so far in the yearly employment running into a considerable amount of money. While it is true that that employment is usually at one point—for example, in New York City, let us say—it is also true that it reaches a number of stations throughout the country, which, in their use, might permit you to further advance your plans for re-employment if that use is not restricted too much."

The Chairman: "Now, Mr. Kendrick, the Federation assumes the most liberal attitude to restrict nothing, only to regulate conditions in a general way so that more musicians are employed in the radio industry."

Mr. Kendrick: "Yes, sir."

The Chairman: "We are not asking that the electrical transcription corporations should go out of business, or that the phonograph companies should do so. We are only saying that the Federation will and does insist upon the regulating of the use of electrical transcriptions and phonograph records so that same should

not continue to destroy the further employment opportunities of musicians.

"If you and the people that want to use your product can come to some agreement as to how more musicians—and it must be a considerable number—can be absorbed in the radio industry, well, our problem is in a good way to be solved.

"We don't say to you that you cannot make any electrical transcriptions. We don't say to the recording companies, 'You cannot make any records.' We are simply saying to you as well as them that as a labor organization we have a right to decide for ourselves under what conditions the musicians should continue to make transcriptions and records."

Mr. Kendrick: "In that thought I thoroughly concur with you, Mr. Weber, on the theory and practice of regulations, and that thought that I injected a moment ago was more in the form of an explanation to distinguish between the library use and the sponsor transcription use and what is the normal procedure in that respect. But we are quite in accord with you in the matter of introducing regulations that will be beneficial to you."

The Chairman: "Well, what, in your opinion, should such regulations be?"

Mr. Kendrick: "I think that you are approaching that here in your discussion. I can understand the objections that some of the transcription representatives here have introduced in connection with the indiscriminate or uncontrolled use of phonograph records. If it is possible for you to work with the record manufacturers in controlling their use, I am sure that that controlled use will not seriously handicap the operations of the transcription business, and frankly, I have not yet in my own mind discovered how a record which is manufactured for home use generally can be controlled. There may be some solution of that offered to you, and if there is some restriction placed in the control of that I am sure it will not handicap the transcription business."

The Chairman: "Well, isn't this a question merely of interest to the Federation and the phonograph recording companies?"

Mr. Kendrick: "I think so, yes."

The Chairman: "Therefore, we cannot discuss it with you, because you do not represent the phonograph industry."

Mr. Kendrick: "We not being in that industry believe with you we cannot introduce any suggestions. I hope, however, that some distinguishing regulations may be arrived at."

Mr. Valentino: "I say, regarding the use of phonograph records by broadcasting stations, that is not up to the recorders. They will find a way into the broadcasting stations, anyway."

The Chairman: "Why should we discuss that matter at all? It is a question between your industry and the radio industry."

Thereafter reading of the stipulations was continued:

Explanations were made to the conference concerning all of them and the manufacturers present participated in the discussion. During the meeting it was agreed that the rules would not go into effect until September 15th, the date set for the continuation of our meetings with the broadcasters.

During the discussions the question arose as to when and where are music machines in competition with musicians and destroy their employment opportunities? It was pointed out that the Federation would have no objection if music (slot) machines are used in places where otherwise no musicians could be employed.

Mr. Petrillo interpreted the statement that we have to be satisfied that these machines are never in competition with musicians.

Then the question of European records was brought up.

Mr. Murdoch: "The other day someone suggested that Brunswick imports a lot of European records. Somebody around the table here casually said they thought the Brunswick Company had control, for instance, of British Guards records and

that sort of thing. Is there very much of that?"

Mr. Altschuler: "Insofar as Brunswick and Columbia records are concerned, 90 per cent of them are composed of classical recordings and band recordings. There is very little popular stuff."

Mr. Murdoch: "In that case are the records imported or the master records?"

Mr. Altschuler: "We press them here."

The Chairman: "What is the percentage of European records as compared with American records that are used?"

Mr. Altschuler: "It is less than 8 per cent."

The Chairman: "That brings us to the question that these records are not made by members of the Federation but they may be sold to radio stations to which we say that unless the records used in these stations are made by members of the Federation, and the stations employ musicians in addition thereto, we don't work for them either directly or indirectly. Now, are these European records sold to radio stations?"

Mr. Altschuler: "No, we have never made it a practice of selling records to radio stations."

The Chairman: "To whom are they sold?"

Mr. Altschuler: "Home consumers; home users."

The Chairman: "And to dance halls?"

Mr. Altschuler: "Not to dance because it is mostly classical music and dancers do not use classical music."

Mr. Murdoch: "The reason I raised the point, just about two or three weeks ago I was traveling along in my car and I heard one of our parasite stations, I mean by that one of the stations that do not use musicians at all, announce that they had a flock of new records of a European library and that they were going to play those now. From what I know about them, they bought those across the counter and then they sell them to a sponsor in spot announcements, and very fine records they were."

Mr. Wallerstein: "We control the masters absolutely. Suppose we agree to sell those only to radio stations that are in agreement with the American Federation of Musicians?"

The Chairman: "You say the master record is pressed in Europe. Do many of such master records eventually find their way into commerce in this country?"

Mr. Diamond: "No, sir; it is impossible."

Mr. Wallerstein: "We have control of the label. No label can come into the country without our permission."

Mr. Murdoch: "You remember, Mr. Chairman, I sent you a program of people running a dance in quite a large hall in Toronto. It said, 'Dance to Lombardo and all the big bands. Regular program 25 cents.' The records were never intended to be used in that way."

Mr. Diamond: "That is unusual."

Mr. Bagley: "I was in a Hollywood theatre where they had a very large radio in the lobby in the theatre and they furnished music between acts."

Mr. Kapp: "Won't the solution of this stipulation No. 9 on the agenda help us solve these abuses which we know exist and which up to this time we have been unable to correct?"

The Chairman: "We are here to help you and you to help us to correct this situation, it being understood that all of us will do so under the rules of our own organization."

Mr. Diamond: "Our procedure is we stand adjourned to the 16th of September and in the meantime we appoint a committee to discuss with you stipulation No. 9."

The Chairman: "Yes, give us advance notice when you desire to see us."

Thereupon the meeting adjourned.

The meeting of August 2nd was to be one between the Federation and the transcription as well as the phonograph manufacturers. During the meeting it developed into one between the Federation and the phonograph recording manufacturers, the electrical transcription people

merely sitting in. The meeting adjourned with the understanding that the entire question regarding recordings, more especially stipulation No. 9, should be held in abeyance until September 16th and that only the manufacturers of the phonograph recordings should confer with the American Federation of Musicians.

The meeting of August 3rd was one between the electrical transcription manufacturers and the Federation. The recorders had a right to sit in as had the electrical transcription manufacturers.

At this meeting, James J. Baldwin, the President of the NAB, was also present. Representatives of the network corporations, the National and Columbia were present at practically all the meetings, that is, those with the radio broadcasters, the electrical transcription and phonograph recording manufacturers.

This meeting was called to order and the Chairman made the following statement: "Gentlemen, yesterday, we had conferences with the recording companies."

After some introductory remarks by the Chairman, Mr. Egner stated the following:

Mr. Egner: "Mr. Weber, a substantial number of electrical transcription manufacturers were present at a meeting which consumed the better part of yesterday, subsequent to our meeting in the morning. Unfortunately, there could not be present those individuals who were also interested in the phonograph record situation because they were at a meeting at that time."

"We attempted during the afternoon and a part of yesterday evening to consider and digest the principles that were outlined in the stipulations which you had previously read to us with the thought that we might come back this morning and be prepared to conclusively discuss these things with you and complete our discussions this morning."

"I regret to say to you we were unable to do that, first, because there were certain people not present who should have been present, and, second, because time did not permit harmonizing all of our voices on all of the subjects. The group asked me to say to you while they are in disagreement on many points, there is a very common agreement on the one point of attempting to work the problem out in accordance with the principles you have outlined, but we would like to have a continuation on this subject until such time as is convenient so that we may have further discussions and, particularly, we may have opportunity to thrash out detailed phases of it with your sub-committee in the interval."

"With that in mind, I think it would be perfectly agreeable to everyone present if you read the stipulations provided you do not expect us this morning to finally and conclusively settle on them."

The Chairman: "That would in a measure, at least, make our deliberations this morning valueless or useless."

Mr. Egner: "Mr. Weber, to the extent that your considerations yesterday may have modified or changed the stipulations—"

The Chairman: "You say 'may have been modified.' I understand."

Mr. Egner: "We would like to hear that."

The Chairman: "To speak in the vernacular, you are not ready as yet to agree with the Federation as to the stipulations under which its members would make electrical transcriptions. You had opportunity to consider the stipulations and you request further time. Now, such is not the situation with the phonograph recording industry, and necessarily if we would agree with you gentlemen to proceed in the manner as you indicate, we would have to give to the phonograph interests the same opportunity."

"That would only mean an indefinite delay and we would get nowhere. Now, we sat in session here now for ten or twelve days. We went through the stipulations a number of times. We asked you gentlemen to consider them and now insofar as the Federation is concerned, we are in this position: The stipulations to which we agreed with the phonograph recording companies and those to which

we agreed with the radio industry, are final insofar as our Federation is concerned, and will likewise have to apply to the transcription industry."

"Now, all we can do is to say to you gentlemen, 'This is the premise on which we are willing to proceed; these are the conditions under which our members are willing to continue to render services for you.' You have the same as the phonograph corporations and the radio industry, until September 16th to consider the matter."

"What you ask of us now is that we should continue the consideration of the stipulations on which we are in practical agreement with other industries, and exempt transcription manufacturers from them. Now, if that is to be, we of the Federation have no other alternative except to hold it a foregone conclusion that where the conditions in industries as far as they affect the musicians, are alike, our organization cannot agree upon different conditions with one industry than it has agreed upon with another."

"You say that you are willing to consider these stipulations with the reservation that those you think unacceptable to you you desire further time to consider or to make counter-propositions to us. I am sorry, this you should have proposed long ago. I am willing to take up the matter with our Board, and see what conclusion they will arrive at. Supposing you are unwilling to meet some of the conditions or agree to some of the stipulations to which the phonograph corporations have already agreed. We could not possibly modify them for you and hold them binding on the phonograph corporations. This would be out of the question."

Mr. Egner: "I think we all thoroughly appreciate that, Mr. Weber. As a matter of fact, we in the transcription group were not conscious of any difference in our fundamental procedure from that which you adopted with the radio broadcasting companies the other day. I believe there has been a sufficiently thorough discussion of all of these stipulations that we understand, if not in the complete detail, we certainly understand the fundamentals of each, and I think we quite thoroughly appreciate you are not going to differentiate between one branch of the industry and another. Certainly there can be no objection on our part to a consideration of your stipulations."

"The electrical transcription people would ask to have more time before we get down to finally agreeing with you on certain of the principles."

The Chairman: "Well, it leaves us in the position, by reason of the present development of negotiations we had with other industries, that we will have to advise the transcription corporation, 'This is the premise upon which we are willing to agree with you that musicians should consider to render services for you, and if you advise us that you cannot agree to them, then we simply feel that we cannot come to an agreement with you and our members cannot work for you.' It will come down to that."

"Now, will you tell me what particular stipulations that we proposed to you you desire to have more time to consider?"

Mr. Egner: "There are a number of types of transcription companies whose operating circumstances differ from each other. We were unable yesterday to completely harmonize those points of view so that we find ourselves at the moment unable to present a common front to you on several of the fundamentals."

"Let me for example cite one concrete example, the question of re-recording. I think the entire group are of one mind that the promiscuous re-recording of musical programs is to be avoided. We are in agreement with you on that, but then, on the other hand, certain of the companies have some specific exceptions which they believe that if given time they could persuade you should be made in the way of exceptions to the rule."

The Chairman: "Why not proceed in the manner we proceeded before, by reading the stipulations and then mentioning the specific exceptions that you think are necessary and then let us think it over?"

It seems to me that is the logical way to proceed, the practical way to go about it."

Mr. Egner: "I have done all the talking for the transcription people. Have you anything further to say, Mr. Kendrick?"

The Chairman: "Did I understand you to say you cannot mention the specific exception because you have not agreed among yourselves?"

Mr. Egner: "That is right. We do not know exactly what we want to say to you on some of these points."

The Chairman: "How would you like it if we proceeded in this way, we advise you under what conditions we are willing to render services for you and you thrash it out among yourselves as to your position in the matter and on September 16th we will know whether you desire the services of our members or not. Is that clear?"

Mr. Egner: "There can't be any objection to that at all, Mr. Weber; if you would like to proceed that way."

Thereupon the Chairman read all the stipulations and made explanations on each one of them.

During the reading of these stipulations, the question of the responsibility of the recording manufacturers to sponsor or radio stations was fully gone into.

As a result, the position of the Federation in reference thereto was fully explained to them. The following are excerpts of the records of this discussion:

Mr. Ebenstein: "That brings up a matter that was discussed yesterday because there were some transcription companies who produce or transcribe shows under contract with an advertiser or an advertising agency. The advertising agency owns the shows, hires all the people, and uses the facilities of the recording company to produce the show. The masters are turned over to the agency and the recording company has no control of the transcription beyond that point. How should that be treated?"

The Chairman: "The recording company can say to the agency or to the sponsor, 'we have made these recordings under these conditions.' We have a contract with the Federation and we will not make any recording in violation of the contract or understanding with the American Federation of Musicians."

"That was discussed with the phonograph companies because they do the same thing."

Mr. Ebenstein: "Supposing that is done in good faith and subsequently the advertiser violates that agreement and furnishes the recordings to the stations who are not licensed?"

The Chairman: "Then we go to the radio station with whom we may have a contract through a network or otherwise and simply say, 'we will not play for such station if such recordings are used.' If the advertiser breaks his contract with you and you have a contract with us, we have of course the duty of trying to protect you."

Mr. Ebenstein: "Then it would be that the responsibility is not upon the recording company provided it entered into a contract in good faith to follow up the execution of that contract?"

The Chairman: "If responsible sponsors and advertising agencies come to you to make a recording of the kind under discussion, you advise them of the conditions under which the recording is to be made and if they violate that understanding with you, then you turn to us and try to adjust the matter as far as it possibly can be adjusted. Of course if a recording company would not act in good faith which is not to be assumed, then they could of course take orders for recordings and say to their customers, 'All right, we can only make these recordings under certain conditions, but after you have them we are not responsible for what you do with them.' It all comes down to a question of good faith."

Mr. Ebenstein: "We wanted to apprise you of the conditions that existed."

The Chairman: "We are well aware of it. That is the reason we considered it."

Mr. Egner: "Will the necessary supply

as with copies of what you read so that we do not need to rely on our notes?"

The Chairman: "Certainly."

Thereafter he continued reading the stipulations concerning recorders which have already been enumerated in the beginning of this report.

During the debate that ensued, the following statements were made:

Mr. Lyon: "There are occasions when a performing artist of a program wishes to preserve that program for himself and his family. Now, obviously that artist could not sing alone by himself on the program and we cannot receive just the voice of the artist and leave the orchestra out. The orchestra will obviously appear on the record and he may want, as sometimes happens, 25 copies of the record to distribute to his friends."

The Chairman: "There should appear on the record what use is to be made of it. If the artist wants to keep it as an heirloom for his family, the Federation would not object. However, we object to such records finding their way into commerce, dubbed and then used for commercial recordings. However, this all comes under the question to be considered with the question of auditions, and, the keeping of records by manufacturers for filing purposes."

Then continuing, the Chairman said: "During our recent convention, we had a concert by a fine orchestra. The National Broadcasting Company sent its principal musical director to lead the orchestra. Naturally there was a hook-up over the National Network. I was requested to address the audience, which I did. Two weeks thereafter, I received a notice from a recording company that if I desired a record of my address they were ready to sell me one. I was not asked whether the record could be made. They made same without authorization. This is also done with music, and this we object to."

In reference to the control of recordings and the future modifications of contracts if entered into, the following observations were made:

Mr. Ebenstein: "We were confused yesterday (NOTE: Speaking of the stipulation which had the control of all records for its purpose). Is it satisfactory to you or is it your purpose to have us submit each release and get a clearance on that release (of records) and that is the end of that, subject to our performance of the other conditions of the agreement, our monthly report to you of each booking of each release?"

The Chairman: "You advise us of the amount of recordings you have made. At the same time also inform us of what each record contains. After you advised us of that, you can release the record to the market with the understanding that if it is made for a sponsor that you advise him of the conditions under which the record was made."

"Now, if you must release such record immediately, advise us, and, so long as it is made under the conditions to which we agree, there will be no objection. We have no desire to place you in a position to have to send us a notice of each individual record, so we agreed you send us notice of your records from week to week, and at the same time furnish us with a catalogue of your library records."

"Now, if we come to some agreement and meet again next year, no doubt there will be certain things you will ask us to do and others we may ask you to do, all for our mutual benefit. We cannot cover, in the beginning, in a wide field of this kind, every separate item conclusively. That is absolutely impossible. Here is where the element of good faith again enters into our discussions and possible agreement."

Mr. Petrillo: "Of necessity, we are going to have to establish a recording department right here in New York. New York will have one. Somebody in that department will be designated to have power. There will be somebody there at all times to deliver the message to."

Mr. Kendrick: "The same thing will be implemented in Chicago?"

Mr. Petrillo: "I suppose, I do not know

how far it will go along the line, but we will have to do that. You have to have somebody so the industry could go on about its business. Just as was explained a moment ago, our contracts with broadcasting companies (speaking of Chicago) have been in force 10 or 12 years. We cannot wait until the contract expires before we both want to make changes. The same thing applies here. We probably will throw out 75 per cent. of the propositions we make here. Who knows?"

The Chairman continued reading:

"Members of the Federation will only make records under contracts containing the stipulations read to you."

"That is understood."

Then the question of the relative value of electrical transcriptions or phonograph records was considered at length and finally the following observations were made concerning the matter by the Chairman:

The Chairman: "As to the superiority of an electrical transcription over a phonograph recording, I would ask you gentlemen as representatives of your industries to take up that matter among yourselves."

Mr. Ebenstein: "Mr. Weber, we may be able to suggest to you by our next meeting an alternate plan which we approved. I have in mind we could submit to you at the time we ask for clearance of a record a script of a record which you can file and, if that is not sufficient, you can apply to the licensee for a copy of the record and then you will have it for that purpose."

The Chairman: "Supposing you make a record for a sponsor. I assume that the sponsor is the owner of the master record and of all the pressing from same. Do you retain a copy of that record in your own files?"

Mr. Ebenstein: "Yes."

The Chairman: "So you would be in a position at all times to furnish us with a copy of it if necessary?"

Mr. Ebenstein: "Yes, sir."

Mr. Field: "It seems to me without even coming to the transcription companies you could get a copy of those pressings by writing to the stations."

Mr. Kendrick: "Not in all cases. Radio stations are not privileged to release transcriptions without our consent."

The Chairman: "That would be impracticable for reasons too obvious to explain."

Continuing, the Chairman read the following:

"Members of the Federation will not render services at any place where records of any kind are used, whether they are new or library records, unless some agreement exists with the employer using the records that musicians be also employed in addition thereto."

"Now, gentlemen, this is only declaratory. We cannot go to a sponsor who desires to use records and say, 'You cannot use records unless you employ musicians.' However, we can say to you 'Records, if to be used by an employer who does not employ musicians, we are no longer willing to make,' and we can also say to you, 'one of the union conditions under which we make a record is that the same should only be sold to or used by an employer who employs musicians.'

"So this is a question of how your wares should be transmitted to your customers. It is not a question between said customer and the Federation. I state here without any equivocation that the matter cannot be regulated by the Federation in any other way and those of you who are learned in the law and give it mature consideration will readily understand why. We are not interjecting ourselves between yourselves and your customers; we are not interjecting ourselves between the radio stations and its affiliated stations, but we do say we are only willing to make records under certain conditions, and we say to the radio stations we are willing to work for them, under certain conditions. This we have a right to do."

In the course of further debate, the following questions were asked:

Mr. Kerngood: "May I ask a question, please? I want you to assume you have a

contract with a sponsor to furnish the services of Johnny Jones' orchestra on a transcription. Is there ever an occasion where the Johnny Jones' orchestra cannot come to Chicago where your plant is located and you receive it by remote control, by wire? Is there ever such an instance?"

Mr. Egner: "There have been circumstances of that sort, yes."

Mr. Kerngood: "Now then, in an occasion of that sort where you have remote control is there ever an occasion where you use the services of those not in your establishment making the record?"

Mr. Egner: "No, the National Broadcasting will produce a program made in this building. The actual recording of that program is taking place in the RCA Victor Studios at 24th Street. The two of them are connected by a line. In the course of their conversation, the Chairman read the following stipulation:

"The making of records taken from the air with or without the knowledge of the musicians is not agreed to by the Federation."

The Chairman continues:

"Of course, this is understood as a matter of course. It pertains to the pilfering and stealing of music for recording purposes. We intend to turn to Congress for relief which will be helpful to the legitimate recording companies and transcription companies as well."

All stipulations in reference to transcriptions as already elsewhere referred to and quoted in this report, were then again read and arguments ensued on every one of them.

The outstanding stipulation, namely that there is no objection against recordings for home use or in their use for any purposes outside of the United States and Canada, was again read. (NOTE: This was done to emphasize that it was not the intent of the Federation to interfere with the non-commercial use of recorded music as for instance in homes, schools, etc.) Therefore it was agreed to continue the conferences after September 16th, 1937, the date set on which the radio corporations should report to the Federation and the Federation to report to the radio corporations the result of the survey made by each concerning the conditions in each individual jurisdiction of the Federation in which a broadcasting station or studio is maintained.

All the foregoing is reported so that you may form your own opinion concerning the immensity of the proposition of regulating the services of our members in radio stations and causing the radio industry to employ more musicians and, as far as possible to do so, in stations wherein formerly more were employed.

You have of course realized, after reading all the foregoing, that our efforts to place musicians in radio stations were first and foremost confined to that part of the industry which is known as the transcontinental networks (National, Columbia and Mutual) and which through their affiliates, do represent the majority of the more important radio stations.

This completes Chapter I of the report. I am sure you will find Chapters II and III highly interesting as the complications explained proved so serious that it often appeared that our efforts to settle the matter without causing our members, who were working, a tremendous loss through the calling of a strike, would come to naught.

Our intention, as you have of course seen, was to reach the networks through their affiliates as we had a right to assume that they had common interests. However, approaching and solving the problem in this manner was found impossible as the affiliates of the networks, that is, the independent broadcasters, absolutely refused to make common cause with the networks in same and insisted upon speaking for themselves. Of course umbrage could not be taken against this position. We were ready and willing to give them the opportunity to speak for themselves so as to come to some understanding with the Federation about the matter.

In the following chapter our negotiations

with a committee of the affiliates, with the radio corporations which formed the networks and controlled its key stations, as well as with representatives of electrical transcriptions and phonograph recording manufacturers, will be explained.

CHAPTER II.

During the interval before further negotiations with the representatives of the radio industry and the individual broadcasters as well as representatives of the transcription and phonograph recording companies, a survey was taken by us to ascertain the conditions in which locals, insofar as employment by radio stations was concerned, found themselves. The information gained was highly important in further conferences.

In the following, you will find the report of the activities of the Board and the sub-committee appointed by it separately reported.

They held their conferences on intermingling and sometimes on the same date. To report thereon in sequence of the dates would not represent a clear picture of the continuity of the progress of their efforts, therefore this report will first treat with the meetings of the Board and then with those of the sub-committee.

During this time the President of the Federation held conferences with and made explanations concerning the position of the Federation to scores of individual broadcasters who had been induced by their networks to come to New York to seek first hand information concerning the demands and intentions of the Federation. These conferences continued during six weeks and up to the time that conferences with representatives of the radio industry and the Board were resumed.

Of the many verbal skirmishes which developed during these conferences, no report could possibly be made as same would become too voluminous for any practical purpose.

One of these, however, is here related for no other purpose except to illustrate the humorous conclusions that at least one broadcaster had come to about the matter. He approached the President by saying that he represented one of the larger stations and if the Federation tried to make any trouble concerning the manner in which he maintained same, he would simply turn the key in the door and close his station. He was asked how many musicians he employed. He answered none. Whereupon he was advised that the Federation wouldn't care a H— of a lot if he closed his station. However, during these conferences many broadcasters who attended agreed that we had a problem and expressed willingness to help to solve it.

In the interim the affiliates of the networks held two conferences in New York at which the demands of the Federation were taken under advice. The last conference appointed a committee consisting of Messrs. William S. Hedges, chairman; Mark Etheridge, Samuel R. Rosenbaum, John J. Gillen, Jr., Emile J. Gough, George W. Naughton, Jr., L. E. Wilson and John Shephard, 3rd, for the purpose of negotiating a contract with the Federation.

On September 16th, our Executive Board convened and met with the committee of the affiliates. Mr. Rosenbaum acted as the spokesman for the latter and stated that the total number of network stations is 257, nine of which are key stations.

(NOTE: A key station is a station which is generally owned and controlled by the Columbia or National and in which programs originate which are transcontinental in their nature, such as symphony programs of large orchestras, etc. These key stations are situated in New York, Chicago and Los Angeles.)

He said that representatives of 160 stations attended their first conference which elected the committee for which he spoke; that thereafter a second conference was held which was attended by 200 representatives of stations either in person or by proxy. The committee was authorized to confer with the Executive Board of the Federation for the purpose

of having musicians employed in the radio industry. The Board advised this committee that at least \$3,000,000 should be expended by the radio industry each year in excess of the money which the combined stations had thus far expended. That this money should be used as much as possible for musicians regularly employed and thereafter termed as, and held, to be staff musicians.

In answer the committee of affiliates stated that they had authority to negotiate an agreement with the Federation but that they had no right to bind the affiliates as the agreement would have to be ratified by them; that their greatest difficulty was to find a practical method of raising the additional amount which would be necessary to have more musicians employed in the radio industry and that the contract should be for a number of years. However, that the suggestion of the Federation for an additional expenditure of \$3,000,000 could not possibly be met by the industry.

Thereupon the Board adjourned for an executive session. At the end of this session, the Board resumed its conference with the affiliates' committee and the amount to be raised for the employment of musicians formed the topic of extended arguments in which all the members of the Executive Board participated. Finally, Mr. Rosenbaum stated that their committee and many affiliates which attended their conventions were positively in favor of assisting the Federation to solve the problem of unemployment of musicians by having more of them employed by the radio industry and he expressed the opinion that an additional expenditure of \$1,500,000 by the affiliates, which after all did not represent the entire industry, coupled with a guarantee that these affiliates will in the aggregate spend no less than \$3,000,000 per year for services of musicians, appeared to be the extreme amount which they held to be practical for the proper solving of the problem.

Finally the Board agreed with this with the understanding that the key stations of the networks were not to be included in this and that the Federation would enter into a special arrangement with them as to an increase of their expenditures to give additional employment to musicians.

The Executive Board met a committee of the affiliates again on September 16th. During this meeting different paragraphs of the proposed agreement were discussed and agreed to. Up to this time the Board held to all the original stipulations made to the broadcasters before they had appointed a committee.

On September 17th the Board again met the committee of the radio industry, transcription and phonograph recording companies and explained the situation to them up to that time.

The Chairman as well as every member of the International Executive Board were of the opinion, as they had a right to be, that the contract with the affiliates of the radio stations had been consummated. The committee of the affiliates likewise held so. Mr. Rosenbaum took a draft of the contract with him for proof-reading and the President's office of the Federation was to do the same and both were then to confer so as to avoid any misunderstanding concerning the contents of the agreement.

On September 28th the President's office received communication from Mr. Rosenbaum, which contained, in effect, the following:

"It is the comment of several lawyers that from the union point of view the wording of several of the paragraphs in the agreement violates several anti-trust acts. In view of this, the committee has decided to engage Sol Rosenblatt (attorney) so that no further time will be lost in doing the job right.

"Several thousand years ago one of our ancestors observed, 'the way of the pence-maker is hard.'

This was practically a cancelling of the agreement as the attorney of the affiliates had advised them that many of the stipulations in the agreement were unlawful.

From then on, the affiliates negotiated with the Federation through their attorney, Mr. Sol Rosenblatt.

During the numerous meetings which next followed between the International Executive Board, the affiliates and representatives of the key stations (the National and Columbia), the major portions of the arguments made on behalf of the affiliates were made by their attorneys. Before these meetings were held, Attorney Rosenblatt conferred with the President of the Federation solely for the purpose of amending the agreement to meet, if possible, the objections raised by the affiliates, and these conferences continued for many days and an untold number of hours, often long after midnight. Meanwhile the President went to Denver to attend the convention of the American Federation of Labor and as Mr. Rosenblatt also visited Denver to address the convention, they continued the conferences there and finally terminated same, both holding that they had met the objections of the affiliates in a satisfactory manner.

The International Executive Board convened again on October 18th and the conditions which had developed since their last meeting were fully explained to them.

A few days before the Executive Board met, a convention of the NAB (National Association of Broadcasters) of which the affiliates were members, was held, and a notice appeared in a trade journal that the Executive Committee of the organization had passed a resolution entirely unfavorable to the consummation of an agreement with us.

At the same conference, the board again met the committee of the affiliates as well as representatives of the National and Columbia, and the Chairman advised this committee that we had taken notice of a resolution which was passed by the convention of the NAB, unfavorable to the consummation of an agreement with the Federation, and expressed resentment concerning it.

Mr. Rosenbaum explained that this resolution did not reflect the opinion of the affiliates, who had met after the convention in a convention or conference of their own and decided to continue to negotiate with the Federation for an agreement and the committee was ready to continue and if possible to bring same about.

The resolution passed by the NAB, which did not represent the opinion of the affiliates, advised every radio station to place the matter in the hands of their respective attorneys. However, the difference of opinion between the affiliates of the networks and the remaining members of the NAB, resulted in a split in said organization, and we were advised that it has since been reorganized. The conference finally adjourned to meet again on October 18th.

On October 18th, the International Executive Board met the committee of the affiliates in the effort to finally determine upon a plan of settlement and contract.

Mr. Rosenbaum, on behalf of the committee, read the following:

Whereas, the American Federation of Musicians had laid its unemployment problem before the broadcasting industry; and

Whereas, the Independent Radio Networks Affiliates have appointed a Committee to negotiate with the American Federation of Musicians regarding the alleviation of this unemployment problem; and

Whereas, the negotiating committee has reported to the Independent Radio Networks Affiliates in convention assembled October 11, 1937, the results of its negotiations with the International Executive Board of the American Federation of Musicians, and has laid before said convention a memorandum setting forth a general plan of settlement of the demands of the American Federation of Musicians and a schedule designed to serve as part of an agreement between Affiliates and the local unions of the Federation; and

Whereas, said convention has duly considered both the general plan of procedure and the aforesaid documents,

Now, Therefore, It Is Hereby Resolved:

I. The Independent Radio Networks Affiliates hereby reiterate their approval of the formula whereby during the succeeding two-year period, such affiliates are to spend for the services of Union Musicians an amount of not less than One Million Five Hundred Thousand Dollars (\$1,500,000) per annum, in excess of the amount so spent by them during the year beginning September 1, 1936 and ending August 31, 1937, and providing further, that the aggregate of such expenditures by Affiliates as a group, should not be less than Three Million Dollars (\$3,000,000) per annum.

II. The Independent Radio Networks Affiliates hereby accept in principle and approve the plan and method recommended by said Committee for the allocation of said expenditure among the Affiliates.

III. The Committee is hereby thanked for its services in the negotiation of the plan of settlement and the preparation of the schedule and is instructed to continue its efforts to the end that the plan of settlement and schedule may be amended in a manner which will fairly and equitably protect the interests of both parties.

IV. The negotiating committee is specifically instructed:

- To obtain the recognition of the inviolability of all existing contracts and obligations of Affiliates and Networks both as between themselves and as affecting third parties.
- To provide for reasonable machinery whereby disputes with respect to the operation of contracts between Affiliates and Locals can be impartially and expeditiously arbitrated.
- To provide that no strike, stoppage or interruption of service shall be permitted against any Affiliates during the period of the proposed agreement so long as the Affiliate is not in default under the terms of its contract.
- To correct certain provisions in the plan of settlement and schedule in the interest of fairness, clarity and feasibility and to eliminate doubts as to enforceability.

The stipulations contained in the proposal of the Federation were again taken up seriatim. Countless deadlocks ensued. Meetings generally consumed the entire day and adjourned well after midnight.

The principal obstacles in the consummation of an agreement were the question of arbitration, stoppage of work and the involvement of the Federation in disputes which may be declared between the broadcasters and other organizations affiliated with the American Federation of Labor, and above all, the question of having programs filtered into stations which do not employ musicians.

Concerning arbitration, the Executive Board fully sustained the Chairman in his explanation made to the committee to the effect that in the past we had had some experience with arbitration which convinced us that we will have no more of it. That from all actions of a local union, an appeal can be made to the International Executive Board. That we never were charged with unfairness. That an arbiter, no matter who he may be, would have to be fully conversant with all the intricacies of our profession. That he would have to have experience how to cope with same as no matter how fair-minded he might be that by reason of his lack of knowledge of such intricacies, he would more often than not, through no fault of his own, come to an erroneous conclusion.

As to stoppage of work by reason of the Federation becoming involved on behalf of the entire labor movement, it was explained to the committee that we hold a contract with the IATSE and that a condition may develop in some jurisdiction whereby the entire labor movement might become involved in a controversy with an employer, and in such case the Federation could not possibly hold itself aloof. The arguments about this question threatened to become endless. It appeared more and more that a deadlock would develop. However, the International Ex-

ecutive Board remained adamant and finally in lieu of the original demands of the Federation concerning arbitration and our obligations to the American Federation of Labor, the following was agreed to and appears in Schedule A as paragraph 18 thereof: 18. Federation, subject to the provisions of Article 19 hereof and subject to its obligations to the American Federation of Labor, by its approval and delivery of the annexed agreement, for and on behalf of the Local Union, and the Local Union which is a party to the annexed agreement, both obligate themselves for the full, due and complete performance thereof, and agree that there will be no stoppage of work so long as there is no default in or violation of any of the provisions of such annexed agreement by the Affiliate executing the same. The Local Unions of the Federation and the Federation Board agree to notify Affiliate in writing of what they deem to be a default or violation on the part of such Affiliate, and the Federation agrees that there will be no stoppage of work as in this paragraph specified until such Affiliate shall have had two (2) weeks from and after the receipt of such notice in writing to rectify the default or breach complained of. Notice of a default shall be no presumption of actual default. If in answer to the notice of default the party allegedly in default denies such default, then the Local Union will advise the Federation and Federation will promptly appoint one of its members, not a member of the said Local Union, and the Affiliate will appoint a person engaged in the broadcasting industry (not employed by the Station) to meet within the said fourteen (14) day period, to investigate and determine the disposition of the claimed violation or default. The written determination of the said two parties shall be binding both upon the complainant and the party allegedly in default. Repetition after the expiration of the period of the original notice by the Affiliate of the violation originally complained of by the Federation Local, shall thereafter eliminate the necessity of any further notice to Affiliate.

In case the Affiliate shall be in default with respect to moneys owed to musicians for services rendered, the Affiliate shall be entitled to only 24 hours' notice.

On October 19th, the conference began again.

This conference coped with the prohibiting of the filtering of music into radio stations which did not employ musicians. This question proved to be most vexatious. The networks, as well as the affiliate stations, more especially their attorneys, stated that they were not in a position to agree to anything of the kind and said that if it was insisted upon by the Federation all efforts on their part to come to some agreement would be futile.

You will remember that during the meetings with the Affiliates held in August when the same proposition was submitted to them, they raised the point that they were bound by contracts to other radio stations, not only the networks with their affiliates but some of the affiliates with other radio stations which did not belong to the network to interchange programs with them or to filter such into their stations. Upon the raising of the question of prior contracts, they were answered that inasmuch as we were not a party to same we could not be held to be involved. However, their attorney advised them that agreeing to such a stipulation would involve them in restraint of trade and any judge who found them guilty of such could revoke their Federal Licenses and such licenses thereafter could not be reinstated by the Communications Commission.

(Note: It is well to remember that a broadcaster who receives a license from the United States does not acquire a property right therein. The United States Supreme Court has long since decided that the air belongs to all the people and that a license must conform to rules of the Federal Commission or else his license may be revoked. In addition to this, the Commission having a right to revoke a license, a court may do the same if the licensee is found guilty of having committed an act in restraint of trade.)

A deadlock ensued which continued through two sessions. The Federation's propositions concerning the matter were rewritten and considered many times. It became clear that the broadcasters, rather than agreeing to this stipulation, preferred to run the risk that all musicians be withdrawn from the networks. Here the Board found itself at the parting of the ways. The employer insisted that if but a single station should sue them for breach of contract or restraint of trade, their license would immediately be in jeopardy. On the other hand, if the musicians called a general strike, it would of course clearly involve them, but the possibility existed that they could remain in business.

The Federation was faced with the alternative of either calling a general strike or of at least gaining a considerable foothold insofar as employment opportunities of musicians in radio stations were concerned. Promises were made by the networks that stations which in future would join would necessarily do so in conformity with the general understanding between the Federation and the networks.

The committee of affiliates impressed the Board with its sincerity in attempting to effect an agreement with the Federation, and so did the networks, that is, the corporations controlling the key stations of networks, namely the National and Columbia.

I have already explained the position of the Mutual network, which is not a network at all but merely a combination of about 50 stations, among which are 3 or 4 important stations considered as key stations, all of them merely exchanging programs, which is an entirely different arrangement from that maintained by the National and Columbia, which buy time from affiliate broadcasters for their sponsored programs and which preempt the most favorable time of the stations of such affiliates, in return for all of which the affiliates receive from the key stations of the networks their sustaining programs.

It has already been pointed out that the principal stations from which such programs emanate are situated in New York, Chicago and Los Angeles. The negotiations between the Federation and the radio industry were confined to the affiliates of the networks, and the radio corporations which organized the radio networks. These networks are transcontinental. There are many smaller networks, some of them consisting of very few stations. The most important broadcasters on such smaller networks are also affiliates of the transcontinental networks, but they also embrace those which are entirely independent, that is, do not belong to a transcontinental network and hence were not included in our negotiations.

The Board took all these conditions under advisement.

Weighing the conditions pro and con of this perplexing situation, the Board finally concluded that between gaining a foothold in the industry and increasing the earning opportunities of the musicians in the radio industry to the tune of about 100 per cent., or the calling of a general strike, the former was the thing to do. The Board was assured that a considerable number of musicians would be added to those employed in the radio industry and that the vast majority of the affiliates would sign contracts with their respective local unions of our Federation. However, it was agreed that in the event the industry absorbed an inconsiderable number of musicians, or the guarantee of the additional expenditure by the radio interests for the employment of musicians would fall far short of the amount, which the committee of the affiliates had promised to raise, then all agreements could be cancelled.

In the survey which the Board made of local unions for the purpose of ascertaining how much money the musicians earned from radio stations direct (not from private advertisers or sponsors) we had become aware of the approximate amount spent by broadcasters during 1936-7, and therefore it was an easy matter, if necessary, to ascertain whether

the sum guaranteed to the Federation by the Affiliates Committee for the employment of more musicians was raised.

The following, known as Section 19 of Schedule A, entirely covers the principle of this understanding above explained:

19. This agreement is predicated upon mutual good faith between Federation and Affiliates and is intended for the essential purpose of increasing employment of musicians in radio broadcasting.

Affiliate acknowledges and agrees that it executes this contract to take effect simultaneously with similar contracts by other Affiliates and Key Stations or Networks executed in accordance with the general Plan of Settlement referred to in Article 16 hereof.

It is agreed (a) that if a substantial number of Affiliates and/or any network company or corporation executing contracts in pursuance of such Plan of Settlement have defaulted with respect to the expenditure of their respective quotas as provided in their agreements, or (b) that if in the sole judgment of the Federation, the operation of this and other agreements with Affiliate or Key Stations entered into pursuant to the Plan of Settlement fails sufficiently to carry out the purpose of the Federation to increase employment of instrumental staff musicians in the broadcasting industry, then and in its sole determination and option, the Federation shall have the right to cancel and terminate all agreements executed in pursuance of the Plan of Settlement by giving fourteen (14) days' notice to such effect.

With respect to the extent of defaults necessary to create a substantial breach for the purpose of subdivision (a) of this Article, the judgment of the Federation shall likewise be determinative.

With respect to any such breach under subdivision (a) of this Article, nothing in this Article contained shall prejudice any other legal or equitable right of the Federation and/or Local against any Affiliate which may have committed any such default or breach.

At both conferences of October 19th and 20th, the remaining stipulations upon which no agreement had as yet been reached were considered and agreed upon.

On October 21st, the Board again met with representatives of electrical transcription manufacturers. It was agreed that they should appoint a committee to meet with the Board and submit an agreement.

On October 21st, the Board met with a sub-committee of the committee of the affiliates, Messrs. John Shephard 3rd and Emile Gough, who were accompanied by Auditor Eckhardt of Ernst & Ernst, in regard to the allocation, that is, the amount of money which should be disbursed for musicians by the individual affiliates over and above the amount of money which they had expended during the fiscal year 1936-37.

This matter was left entirely to the committee of the affiliates. Our Board maintained the position that it had nothing to do with the question of how the money should be raised.

Messrs. Shephard and Gough explained to the Federation that all broadcasting stations charging \$15.00 or less per quarter of an hour had been left out of the allocation as the amount that could have been raised from their income was too small to even consider the employment of any musicians.

These gentlemen advised us that the Committee of Affiliates had agreed to raise the amount by assessing each station in accordance with their gross income, about 5½ per cent., and that only stations which did not answer their query as to what their gross income was would have their quota or allocation based upon the amount of money that they charged for 15-minute broadcasts.

They also advised the Board that the broadcasters of the networks spent approximately \$1,600,000 for musicians during the year 1936-37 exclusive of key stations.

On October 22nd, representatives of the electrical transcription and recording interests again appeared before the Board

advising it that each one of those interests had appointed a committee for the purpose of drawing up contracts with the Federation and that this was necessary to do as the conditions in the electrical transcription and phonograph recording industry greatly differed.

On October 25th representatives of the radio stations in Honolulu appeared before the Board and explained conditions existing in the radio industry in the Hawaiian Islands, pointing out that it may be necessary that the Federation in some respects grant these stations special dispensation in regard to the employment of musicians. These representatives were advised that the Board will take the matter under consideration and they will find its position fair.

On October 26th the Board met with a committee of recorders. This committee opened their discussions at this meeting which was called for the purpose of negotiating a contract with them, with the blunt statement that they would not accept the provisions that would bind the transcription companies to the rules of the Federation. They assumed the same position as the broadcasters did before them. This naturally came in the nature of a surprise as all along they were willing to enter into a contract with the Federation, in fact in former conferences had practically accepted the stipulations named by the Federation. It appeared that the manufacturers of records had concluded to make the best of the difficulties which had developed between the Board and the broadcasters and evidently, since our last meeting with them, had come to the conclusion to profit thereby to the extent of forcing upon the Federation a contract of their own making. If this were not so, the blunt statement that they would not accept the provisions that would bind their companies to the rules of the Federation would not have been made by them. The Board listened to the statement with astonishment and resentment.

The Chairman made answer, in which the Board concurred, that the Federation did in good faith offer to enter into contractual relations with them but it was not at all eager to do so. That their position was entirely different from that of the broadcaster. That we did not solicit or care for their employment. That if less was offered and less existed the better it would be for the musicians. That the Federation since hearing their blunt statement no longer cared to enter into any contractual relations with them. That we would in future license manufacturers and they would find that musicians, that is, members of the Federation, would not be willing to work for such as did not have a license. That for the present we had nothing further to discuss with them.

Upon an attempt of the committee of the recorders to involve the Board in a lengthy discussion, Brother Brenton arose and insisted that the discussions immediately terminate as the committee had left us nothing to discuss; that they heard the decision that the Board had taken in the matter. The Board agreed and the conference was adjourned.

On October 26th, the Board held an afternoon session and considered the matter of licensing recorders. It was agreed that a formula should be prepared for consideration by the Board.

On October 26th, Mr. Kendrick of the World Broadcasting Company, an electrical transcription manufacturing company, appeared before the Board with suggestions how his company could be of service to the Federation to eventually bring all their clients to the recognition of the necessity of the employment of musicians. The Board accepted Mr. Kendrick's suggestion.

On October 28th the phonograph recorders appeared before the Board saying that they should have a separate understanding from that of the electrical transcription companies. As the Board had the licensing of recorders under advice the matter was not further considered by it.

On October 29th, the Board met again and considered the matter of the contri-

button by the key stations to the fund for the employment of musicians.

Matters were thereafter left in the hands of the sub-committee.

The Board met on November 16th and again considered the contribution of the key stations to augment the amount which the broadcasters had agreed they would raise.

This was finally adjusted by the National and Columbia agreeing to expend \$60,000 each for their key stations, a total of \$480,000, and the Mutual Network agreeing to spend a total of \$45,000 for the same purpose. These amounts were to be expended in addition to the amounts which the radio corporations which own these key stations have agreed to expend in accordance with their contracts with local unions in whose jurisdictions these stations are situated. It was agreed that a contract be drawn between the owners of the key stations and the Federation, containing the stipulations as to how this money was to be expended.

On November 17th the firm of Ernst & Ernst, through their representative, submitted to the Federation the allocation of the \$1,500,000 between the Affiliates, stipulating the quota which each of them would have to expend for each year during the two-year term of the contract, in addition to the amount they expended during 1936-1937. The report was accepted by the Board.

As it was understood that the committee would not divulge to the respective stations the amount of business that the others did, therefore in the exercising of proper discretion, this report cannot divulge the amounts. However, each local was advised of the quota for the respective radio station or stations in its jurisdiction.

Approximately 131 network stations which did not employ musicians during 1936-37, employ such now. These stations are situated in approximately 100 or more cities in which we maintain local unions. In 77 stations situated in the jurisdiction of locals, the quota of the broadcaster to be expended by him during the next two years exceeded the amount spent by him during 1936-37. The largest amount spent by a broadcaster who during 1936-37 did not expend any money for living musicians but will spend for music for each of the next two years, is \$40,658.18. The largest amount which an individual station pays over and above the amount expended during the year 1936-37 is \$36,370.17. Stations which expended 5½ per cent. of their gross income during 1936 came within the contract provisions and therefore did not have to expend more money during the next two years than they had expended during 1936. However, none of them could expend less. These stations were not very numerous, but very important, and employed a great number of musicians.

The greatest amount spent by any of them during 1936 was \$139,831.93.

The lowest figure allocated to any one station was \$560. However, this was an exception but clearly emphasizes the fact that not all radio stations are in a position to guarantee the employment of musicians. The quota is determined by the economic importance of the station, that is, how much business same actually did. In some instances stations which employed living musicians during 1936 had the amount which they so expended increased by the quota from five to ten times. In one case from less than \$500 to more than \$18,000. In another from \$6,000 to \$42,000, others from \$3,000 to \$12,000, \$10,000 to \$34,000, from \$49,000 to \$67,000 and so on.

The amounts named, which will be earned by the members of the Federation during the next two years, do not include the amount paid for extra musicians and do not include the amount earned by musicians employed directly by sponsors who buy time on the air from the radio networks. Neither do they include the amounts paid to musicians by the key stations of the Columbia and National in Chicago, New York and Los Angeles. All these increase the money earned by members of the Federation

in the radio industry to more than \$10,000,000.

As the economic value of a station, that is, the business it does, determines its ability to employ musicians, it will be readily seen that in many stations, more especially of 100-watts or thereabouts, which are mostly situated in smaller towns or in thinly populated regions, the quota would have been so low that to apply same would not have shown any practical results whatsoever and this condition will continue in approximately 125 to 150 stations, the bulk of which are not affiliated with networks. In the vast majority of them their income is in the neighborhood of approximately \$15,000 or less to \$20,000. The result is that an annual quota of 5½ per cent. for these stations would fluctuate from \$825 or less to \$1,100. The networks in the time that the agreement was consummated with them, had 16 such stations affiliated for which, for reasons above explained, no quota was set. The 125 or more stations above named could only continue to exist with the use of phonograph records and electrical transcriptions and, even though they are commercial stations, their economic value, as far as the employment of musicians is concerned, is exceedingly low.

I have stated before that the committee of the affiliates only negotiated with such stations of the networks which were not key stations and that, inasmuch as the key stations had to make a special contribution to the amount that the affiliates raised for the employment of additional musicians, it became necessary that a special contract be consummated between the National, Columbia and the Federation, covering the key stations controlled by them. At this conference, the matter was at length discussed.

During the same meeting a representative of the Mutual also appeared to consider the contract between the Federation and the three stations of the Mutual network which were considered by the Federation to be key stations.

On September 20th a sub-committee was appointed to negotiate an agreement with the key stations. Said committee consisted of Weber, Birnbach and Petrillo.

On September 27th, the sub-committee again met with the representatives of the key stations and the meeting continued for many hours and again resulted in a deadlock.

On September 29th negotiations with the representatives of the key stations were continued with the same result.

On September 30th another conference was held but no agreement reached.

On October 18th the sub-committee of the International Executive Board met the representatives of the Mutual Broadcasting Company, which is considered a network in reference to their contribution to the fund in reference to employing more musicians.

On November 1st, 1937, a sub-committee consisting of Weber, Birnbach and Hayden, met to consider the last form of Schedule A and Plan of Settlement, as agreed to by the Board and Affiliates.

On November 19th a conference of the sub-committee, Weber, Birnbach and Murdoch, together with Attorney Friedman and representatives of the National and Columbia, was held for the purpose of considering the Canadian situation insofar as the key stations affiliated with the United States transcontinental networks were concerned, and to take under advice the entire radio situation in the Dominion insofar as it affects the interests of our members.

The situation in Canada in reference to radio is an entirely different one than that of the United States. A trans-Canadian network is maintained under control of the government and another which is controlled by private interests. The station or networks in the United States often interchange programs with all of them. However, in many instances, such exchange is merely complimentary as very few sponsored programs emanating from stations in the United States are transcontinentally radioed to the respective stations in Canada. At least such

was the condition during the time of our negotiations and as all else are of course subject to changes in future developments, of course more especially by reason of one group of stations being practically controlled by the government under the supervision of a commission appointed by the government, it was held to be the best that the entire question of procedure in Canada be left in the hands of Executive Officer Murdoch, the President's office of the Federation, on behalf of the Board, to be left in a position to confer with Brother Murdoch at any time and the latter to be left free to follow such policy as best fits the conditions in the Dominion.

In this we merely followed the age-old policy of the Federation that the Canadian locals be always left free to follow such policies as immediately affect their interests. With this it was of course understood that the members of the Federation in Canada and those in the United States are equally governed by the rules of the Federation which regulates the conditions under which members may play in the various jurisdictions of the Federation.

The Commissioner, Major Gladstone Murray, of the Canadian Radio Corporation, was kind enough to visit the President and was found to be a sympathetic and affable gentleman who appeared to be well versed in the radio world and realized the problems which confronted the Federation in its efforts to have more musicians employed in the radio industry in Canada as well as in the United States and that current employment of musicians was not commensurate with the services which the radio industry receives directly and indirectly at the hands of the musicians. Mr. Murray was advised that the Canadian problem concerning this matter will be left to the Canadian musicians to solve and that the spokesman for them would be Executive Officer Murdoch, the President of the Toronto local, whom you well know is a member of the Board.

At the conference on November 19th, this matter was fully gone into and Brother Murdoch voiced the opinion that the Canadian radio situation, as far as the musicians were concerned, will be solved in practically the same manner as it was solved in the United States.

As to the stations in Toronto and Montreal, five in number, which were affiliated with the networks and come under the quota the same as the affiliates of the networks in the United States, he vouchsafed the opinion that they would fully meet their quota and perhaps expend more money than they are obliged to do under same.

With this understanding the matter was left in the hands of the President's office and Brother Murdoch, with the further understanding that the latter's opinion concerning the adjustment of any situation concerning musicians in the radio industry in Canada would be determining.

On November 23rd a sub-committee consisting of Weber, Birnbach and Petrillo met for the purpose of proof-reading the license form which meanwhile had been prepared by the President's office. As to what the form should contain was eventually considered by the Board which approved same during its midwinter session.

On November 30th the same committee met to draft a contract with the key stations and on December 2nd the same committee again met to consider the same matter. After agreeing as to what such contract should contain, the matter was left in the hands of the President to draft and consummate an agreement, which was done and approved by the sub-committee.

Meanwhile the committee of the broadcasters sent copies of the Plan of Settlement and Schedule A to the broadcasters and our Board furnished same to the interested locals. Both were advised of the respective quotas to be expended by the affiliates in their jurisdiction for the purpose of employing musicians and locals were urged to begin proper negotiations

for the purpose of effecting local agreements.

From now on the entire matter was in the hands of the President's office and the difficulties we experienced in reaching the Plan of Settlement and Schedule A were about on a par with the difficulties thereafter experienced by many local unions in the effecting of contracts with network affiliates in their jurisdiction.

A sub-committee of the committee headed by Mr. Rosenbaum and assisted by Messrs. Gough and Shephard, 3rd, steadfastly and without pause, assisted the President's office in causing the affiliates to effect agreements with the locals and in this, the National, through Mr. Woods, as well as the Columbia, through Mr. Lowman and Mr. Ackerberg, did likewise do so.

Situations developing in the quest of effecting contracts often became so seriously acute that on a single day the President of the Federation was constrained to communicate with numerous locals (as many as a score in a single day) over the telephone making explanations, giving advice, requesting information as to the state of their local negotiations and thereby giving necessary aid to them. Messrs. Rosenbaum and Gough regularly appeared at the office to report the results of their efforts. Too much cannot be said of the value of their assistance which they unstintingly gave at the expense of their own time and money. The list of locals interested was perused at each visit and necessary information requested over the phone from interested locals was given.

It became necessary several times to advance the deadline date on which contracts should be perfected. More hectic and troublesome weeks have never been experienced in the history of the Federation.

The proposition was gigantic. All the individual broadcasters of the networks were interested and they represented well over 200 or more. Here we had not to do with one employer but with scores and scores of them. It is here that the danger of a general strike was always in evidence. However, finally the vast majority of the affiliates did sign contracts and the amount guaranteed by the committee of the affiliates was not substantially decreased by the few which failed to do so. Most of them were smaller stations. A few stations of middle-sized towns did not sign. This was to be foreseen as the ultimate is never reached in anything and it was not to be expected that in a gigantic proposition like this we could be uniformly successful. It is to be expected that the broadcasters will live up to their agreements, since if a considerable portion of them (which we hope will not come to pass) should break them, then the Federation would be faced with the alternative of cancelling all contracts and withdrawing its members from the broadcasting industry.

Some difficulties were experienced by the President's office from unexpected sources. For instance:

The legal bureau of a corporation drafted a contract for stations and the owners, and referred same to its operators in the various cities with instructions that their contracts with the local must contain all the stipulations contained in their draft. Some of the locals did not demur but others protested as well they might. All such protests finally reached the President's office and of all the legal sophistries (some cases were even humorous) which the President's office was ever subjected to in the 38 years of my experience, they were the most conspicuous. It did not dawn upon this legal bureau that not every union will sign an employer's contract on the dotted line.

The demand that this be done came near forcing the Federation to consider the existence of a stalemate, all efforts to settle the matter a failure, the deal off, and the withdrawal of our members from the industry imminent. However, the matter was adjusted to the entire satisfaction of the Federation.

I repeat that we cannot too highly praise the assistance given and efforts

made by Messrs. Rosenbaum, Gough and Shephard, 3rd, Woods, Lowman and Ackerberg, not only in the matter of consummating the agreement between the affiliates and the Federation, but also in the matter of consummating agreements between affiliates and locals. They rendered such services during many weary weeks that one would fall lamentably short of their proper recognition if failing to especially mention them.

III. LICENSES.

Elsewhere in this report, I have explained that by reason of the electrical transcription manufacturers giving the Board notice that they would not enter into a contract with us such as we demanded, we advised them that in future our members would only work for such manufacturers as held a license from the Federation and that those who did not desire to employ us under such license, were welcome to refrain from so doing. Subsequent thereto, a license was prepared which contained, among others, the following stipulation:

"To make every effort to cause customers and users of such transcriptions and recordings to employ musicians, members in good standing of the Federation."

This provision squared with the decision of the Board in accepting a proposition, which a manufacturer made, that we should give him time and he would eventually cause most of his patrons to employ musicians. It is of course understood that if a manufacturer failed to become active or be successful in this direction that then we would cancel our license.

This proposition would have placed the holder of a license forever on guard to induce his patrons to employ musicians, as he knew that the continuation of the license depended on the results of his efforts in that direction. It is questionable whether in the light of further developments it would not have been best to have this proposition included in the license in place of the following, upon which we finally insisted:

"(a) Will not sell, lease or grant the use of any phonograph or electrical transcription recording to any radio station, hotel, cafe or any other place of amusement which the Federation considers unfair to it or place them in a position to make use of any such phonograph or electrical transcription."

The following license including the last quoted stipulation was finally agreed to by the Board and a date for its enforcement.

A sample copy of this license was sent to the recording manufacturers. None of them with any appreciable standing applied for a license. They raised the question that same would be in restraint of trade, therefore they could not meet its stipulations. Before proceeding any further it is necessary to again call attention to the fact that our radio contracts were entered into with the condition that these broadcasters, which employed musicians, should have a right to use electrical transcriptions or phonograph records. Refusing to manufacture these records of course would have called into question all our radio contracts.

A sub-committee of affiliates was constantly active to cause broadcasters to enter into contracts with our local unions, these contracts to be based upon the national agreement, all of which I have already explained. Copy of the contract, entered into and signed by each local, was sent to the President's office and another copy signed by the radio station was sent to the auditors of the committee of the affiliates. Ernst & Ernst, in New York. It was agreed that after a sufficient number of contracts were entered into then these contracts would be interchanged, we to receive the contracts sent to the auditors for the purpose of transmitting them to our local unions and the committee of affiliates to receive contracts, which our locals had signed, to be sent through their auditors to their respective affiliates. On the eve of doing that, Mr. Gough of

committee of affiliates submitted the following letter to the office:

THE DEVON
10 WEST 55TH STREET
NEW YORK CITY

Thursday,
March 17, 1938.

Joseph N. Weber,
President, A. F. of M.,
1450 Broadway,
New York City.

Dear Mr. Weber:

There are still a few networks affiliates which have not yet signed contracts with locals pursuant to the national plan of settlement. Most of these are in places where there are no locals; of the remainder some are delayed for various reasons in completion of negotiations, and there are a few places in which negotiations seem to be at a standstill.

However, the total of stations which have signed, or are likely to sign, is now within about a dozen of all places where there are locals and most of these which have not signed are quite small. All are operating under the agreement, which became effective as of January 17, 1938, and many are requesting delivery of the contracts which are being held in escrow in New York City pursuant to the plan.

The time has therefore now come to complete the transfer or exchange of contracts. We have instructed Ernst & Ernst, the escrow agents for the stations, to deliver to you the contracts signed by the stations and receive from you the contracts signed by the locals.

In doing so we take the occasion to remind you that we are, of course, relying upon the assurance that the Federation will not interfere with the supply of recordings and transcriptions to signing affiliates, one of the chief inducements for the execution of the contracts.

Permit us to express our appreciation of the courtesy and cooperation you have shown throughout the negotiations.

Very truly yours,

/s/ SAMUEL R. ROSENBAUM,
Chairman.

/s/ EMILE J. GOUGH,
Secretary.

INDEPENDENT RADIO NETWORKS
AFFILIATES.

This letter makes it clear that the contracts were only to be interchanged if the affiliates who had signed them were to be supplied with electrical transcriptions or phonograph records as they needed them. (Note: Larger stations use very few phonograph records, most of them are used in smaller stations, more especially such as are not affiliated with networks.)

That this placed our organization before a dilemma can be readily seen. The President's office suggested to the Board, and made this statement to the committee of affiliates as well as to the electrical transcription and phonograph recorders, "that we would keep our contract with the radio corporations even though we would have to go into the phonograph and electrical transcription business ourselves." Of course to do this would mean postponement of the electrical transcription and recording question for a considerable time as broadcasters were entitled to the use of recorded music and proper arrangements had to be made in which we decided to furnish them.

Meanwhile, the following developed: Attorney Ansell, our counsel in Washington, to whom the President had sent a copy of the license for his information and opinion, positively stated that the license in the form we had decided upon was unlawful, thereupon conferred by wire and telephone with the members of our Board and the consensus of their opinion was that we should go through with the license as we had prepared it. Attorney Ansell again brought the matter to the attention of the Board and stated in effect that if the license should be permitted to stand, we would commit an act not conducive to the interests of our members, but would actually betray them. The President concluded that even though the date of the enforcing of the license was on hand and even though representative broadcasters had applied the same and therefore nothing short of a strike would force the situation, if our

own attorney found fault with the form of the license, that then the interests of our Federation demanded that he be given a hearing concerning the matter and as a result the Board was convened to meet in New York on March 1, 1938. Attorneys Ansell of Washington and Friedman of New York, attended the meeting. Mr. Ansell addressed the Board for two hours, going into the stipulations of the license seriatim and finally concluded by strongly urging that same be redrafted. The Board agreed that this be done.

On March 2nd the Board again convened. A committee consisting of Mr. Mark Woods of the National, together with David Mackey and Lawrence Morris of the RCA and Victor Company and John L. Wilson representing 30 manufacturers of transcriptions, appeared before the Board in regard to our license. Mr. Woods acted as chairman of the committee. He emphasized that our license contained provisions which would lay them liable for damages and prosecution for secondary boycott. He agreed that we had a problem to create more employment for our members. However, that the radio as well as the recording industry existed and that a large number of radio stations depended on such recordings, at least for a portion of their programs. That a deal had been worked out with the broadcasters, belonging to the networks, and the Federation which led to the employment of more musicians and therefore enabled these broadcasters to use recordings in addition to the services of said musicians; that something of this same sort could be worked out with independent broadcasters which are not network affiliates. He stated that both of them, the independent as well as the affiliates belong to the NAB, that said NAB had now reorganized and had induced Mr. Phil J. Loucks, who formerly was its manager, to return to it, that he believed that something could be worked out so as to also bring all the independents into agreement with the Federation and through it have more musicians employed, and that if this was done, that the transcription question would adjust itself as the broadcasting industry is almost the exclusive field in which such transcriptions are used, therefore if musicians are employed by the independents the same as they are now by broadcasters belonging to networks, then no protest could be made against the use of transcriptions, as in order to be enabled to use them they employed musicians.

The Chairman of the Board made a lengthy statement in answer and went on saying in effect that if the matter could not be otherwise adjusted, that then the Federation would have to take under advisement the matter of going into the transcription business.

The Board went into Executive session to consider the proposition and decided that they would be ready to hear Mr. Loucks at our next meeting to explain the details as to how they will proceed to cause the independents to enter into contractual relations with the Federation.

The Board convened again on March 7th. Attorney Ansell proposed a form of license. The Board considered the provisions contained in same seriatim.

(Note: The Board recognized that all the sessions of the meeting which began on March 1st dealt with developments of the utmost importance, involving many serious problems. It became a question of careful procedure so as not to invite the danger that the Federation might lose its advantages thus far gained through forced invalidation of our radio arrangement.)

The Board continued in session on March 8th. As in the previous meeting the Board gave careful attention and study to various provisions of the new form of the license. Every proposition therein contained was discussed and considered as to its importance, possible involvements, and problems of enforcement. Attorney Ansell stated that we were not in the fortunate position of the author or composer who is protected under Federal Copyright law; that the musicians only had recourse to sue for damages under a common law if we held that records

for which we played were used for any other purposes than we had agreed to; that this was very unsatisfactory and that this question would only be properly solved if the musicians would be successful in having the copyright law amended to the extent of acknowledging their property right in a recording made by them, and that this was the only adequate remedy, and nothing else.

Further discussion brought out the fact that this matter was long ago taken under serious advice by the President, as were our present activities to secure more musicians in the radio industry, but that during the depression and even thereafter it was found that immediate legislation could not be secured as Congress during the "New Deal" chiefly concerned itself with legislation affecting mass and not particular interests.

Mr. Loucks of the independent broadcasters then appeared before the Board. He stated that there were 386 independent stations not affiliated with chain networks. However, of all these stations, many of them were not of such importance as network stations, and scores of them only had had part time or half time use of wave lengths. That approximately 125 of them were situated in towns and cities of less than 15,000 population, and that the average do a gross business of less than \$20,000 per year. That less than 40 stations do practically 50 per cent. of the gross business of the independent stations. However, that the important stations among them (in the neighborhood of 100 or more), are almost all situated in towns where we maintain local unions. He stated that these independent stations were not as yet informed of the real situation that they now face, and that a certain resistance against the Federation had been built up and that it would become now a matter of education so that they may be fully informed of our position in the matter.

That he feels that the independent station has a greater program expense than a station belonging to a network, as it does not receive any programs through remote control. The Chairman answered that the transcription programs cost an independent broadcaster less than networks services cost the broadcaster affiliated with a network. Mr. Loucks continued, saying that he was sure something could be worked out to make the independents come into contractual relations with the Federation. That he would try to get a committee working and that if the Executive Board is willing that the experiment be made to do so, that the NAB would do all it possibly can to help in the consummation of an agreement. As a result of this, the Board advised Mr. Loucks that it will wait until March 21st to see what can be accomplished in the direction of bringing the Federation and the independents together.

At this same meeting the Board requested Attorney Ansell to investigate and assist in the preparation of an amendment to the copyright law, so that musicians may be protected against the undue use of recordings and the stealing of music from the air, as nothing short of such an amendment will finally solve many of the difficulties now confronting the Federation.

The Board reconvened on March 9th. Its entire morning session was consumed by the further consideration of the new license form. At the afternoon session of the Board, Messrs. Diamond, Morris, Mackey and Lavenstein appeared before the Board in reference to a separate license for phonograph recorders, as they stated the conditions in the phonograph industry greatly differed from those in the electrical transcription industry. They stated that what we wished to accomplish is laudable, that the position of the unemployed musicians was serious; however, that they also have their problems; that they had devised a license plan for their own industry which covered such customers as used their product, and which has for its purpose more especially the regulation of automatic phonograph machines. Here, the question of a recent incident in Seattle was brought up. The

President advised the manufacturers' committee that recently our local union in that city had made attempts to better the conditions of its members in establishments in which they were notoriously unsatisfactory. They began to picket them and found that phonograph music machines were used for strike-breaking purposes, which use, in the opinion of the Federation, was positively unfair, and that some agreement must be reached and method devised to guard against a recurrence of such a condition. Furthermore, that music machines are beginning to be used in smaller dance halls or in places where musicians could be employed or were formerly employed. The committee answered through Mr. Morris that, as soon as their attention was called by the President of our Federation to this situation, they immediately sent representatives to Seattle, including their Chicago attorney, in an effort to correct same; that they took a short cut to do so, and he indicated that wherever such conditions developed they would always follow a like policy.

Here a lengthy discussion developed between Attorneys Ansell and Diamond concerning the legal aspects of our licensing proposition. Mr. Diamond stated that the phonograph companies were advised to send numerous letters to radio stations advising them in great detail that they would not agree to have phonograph records used for broadcasting purposes, as permitting this was in many cases against their own interests. He continued by saying that the phonograph companies felt that our proposed license contained some provisions which would involve them in legal difficulties. Here Attorney Lavenstein stated that the crux of the entire situation was to stop the use of phonograph records in places where musicians could be employed, and that they would cooperate to that effect; that the only problem now would be to find a practical method of doing so. Attorney Morris stated that the fundamental problem is to control the illegal use of recordings. They were willing to work it out in a manner both practical and legal.

On March 10th the Board continued its sessions. At this meeting it again considered the licensing situation at great length, and then turned to a discussion of the conditions in the theatrical industry, including the present status of the recordings in the Hollywood studios. The entire situation with all its ramifications (there are many) was explained to the Board at length. This was done with the understanding that as soon as we were somewhat in the clear in bringing the independent broadcasters into an agreement with the Federation that then the conditions in the film industry in Hollywood would receive immediate attention.

On March 15th a sub-committee of the International Executive Board met, the Board having recessed to re-convene again at the call of the Chair. Executive Officer Hayden was prevented from attending this meeting on account of illness. Representatives of the phonograph recording industry appeared before the sub-committee in reference to a license for phonograph recorders. Mr. Morris reviewed the conditions in the recording industry. He stated that the product of the Victor Record Manufacturing Company has sold outright to some 70 or 80 distributors or wholesalers who sell the product throughout the country to about 12,000 individual dealers. The Decca, Columbia and Brunswick companies have approximately 12 branches which likewise sell to thousands of dealers; they have a distributing unit which is a subsidiary of the corporation, and this unit maintains the 12 branches which sell the product to the dealers; that there were in the neighborhood of 250,000 coin machines; that these machines were not the only ones on which records could be played, as such records could also be played on victrolas and like machines; that the coin machine manufacturers sold these machines outright to distributors and they in turn sold them to operators who control and place a number of machines in various places; that there is no uniformity for the distribution

of these machines, which makes the problem more difficult; that records used in coin machines are acquired in different manners. If the proprietor of an establishment buys a machine outright, he buys his own records to be used for same. Then there is a so-called fleet operation, that is, an operator may operate a number of machines, he secures his records from dealers and supplies them to those who use the machines controlled or serviced by him.

Answer was made to this: That the Federation was mainly interested in the control of the playing of the records.

To this the recorders answered that if the manufacturer enjoyed the sole copyright in the record, a practical way of control could be devised.

Here a lengthy discussion arose as to the respective common law rights a manufacturer and the musician playing for the records, have or may have in same. The manufacturers raised the question that in numerous court decisions it was held that a worker is employed to manufacture a certain product, that then the title, control and ownership of the product rested with the manufacturer. Here the Chairman answered that our main object was in creating employment opportunities and the protection of such as existed; that this question is by far the most important, more so than the copyright or royalty question. Furthermore, that we were a long way from establishing common law property rights in recordings, but that we were distinctly face to face now with the necessity of controlling the manufacturer in the use of such recordings. The manufacturers' committee retorted by saying that by proper inscriptions on the recordings which expressly state that they should be used only in homes, they have gone a good way toward the control of recordings; that they will do all they possibly can to protect the musicians; that in Seattle they were successful in withdrawing all but two machines in places where they had been used for strike-breaking purposes.

They felt that through such activities they could meet the wishes of the Federation in a practical way.

A general discussion concerning the license followed.

On March 17th the sub-committee met again with the representatives of the phonograph manufacturers.

(NOTE: After the license form had been agreed upon with Attorney Ansell, it was found that the license had to be divided into one governing the electrical transcriptions and the other governing phonograph recordings. At these meetings with the sub-committee, the phonograph recording license was considered. The stipulations of the original license form as proposed by Mr. Ansell were left practically the same, and only changed to make same applicable to the phonograph industry.)

Most of the arguments centered around the question as to how to prevent the unfair use of recordings in places where they destroy the employment opportunities of musicians.

The recorders positively refused to take a license as long as same contained the following:

"That licensee shall not sell or dispose of any recording to any person or place of business or entertainment found by the Federation to be unfair to it or any of its members, and he will not grant or authorize the use of any recording in which he has any right, interest, or control to any person or place of business or entertainment, found by the Federation to be unfair to it or any of its members."

They stated that this would bring them into restraint of trade. This stipulation is practically the same as appeared in the original license and was included in the redrafted license. The matter was discussed at length, and finally the following was taken under consideration, in lieu thereof:

"Licensee" shall not sell, license or dispose of any record to, or grant or authorize the use of any recording in or to:

- (a) any place of business or entertainment to or in which an admission fee or dance fee is charged, or,
- (b) any place of business or entertain-

ment in which musicians were formerly employed, or,

- (c) any place of business or entertainment where similar place operating under similar conditions in the same community does employ musicians, or,
- (d) in any place of business whose existence is dependent upon the use of musicians unless living musicians are also employed therein.

This proposition would of course secure for the Federation all possible protection against the undue use of recordings. After a thorough discussion of same, the Board continued in the perfecting of the license for phonograph recorders with the understanding that the committee of recorders would lay the perfected license before their clients for rejection or approval. This was done with the understanding that the license in the form that we had agreed upon would also need the approval of the Executive Board of our Federation.

At the same meeting, were Mr. Lloyd C. Thomas of Rockford, Ill., Mr. Frank R. Smith of Pittsburgh, Pa., Mr. Harold A. LaFount of Boston, a committee which constituted a sub-committee representing the committee which the independent broadcasters had appointed at a convention which was held on March 28th for the purpose of conferring with the Board, the best possible procedure to bring the independent radio stations into an agreement with the Federation.

Mr. Thomas, spokesman of the committee, stated that Mr. Loucks of Washington had sent a letter to all independent stations urging them to be helpful to reach an agreement with the Federation; that a convention was held on March 28th; that the independent broadcasters recognized the situation and appointed a committee of nine of which the three attending the session was a sub-committee, that they worked diligently to make a survey and gain all necessary information as well as authorization to act as a majority of the independent broadcasters in their efforts to work out such an agreement; that they needed from three to four weeks to do this; that they were not as well organized as the stations affiliated with broadcasting networks; however, that their committee had the confidence of the independent stations, therefore they were hopeful of success in the consummation of an agreement.

The Chairman explained to this committee at length the reasons why the Federation insisted that the radio industry should absorb more musicians. The sub-committee of the independents then stated that they will arrange state meetings to get their people together and form them into a compact organization so that they may accomplish their purpose. Mr. LaFount stated that more than 97 per cent. of the power used for broadcasting is absorbed by full time stations which belong to networks, leaving only 3 per cent. of such power to independents.

At this time Mr. Ansell made a lengthy explanation concerning the present situation in regard to radio and possible developments in future. The Board agreed to give the independent committee three weeks to complete their date and for this purpose the Board would recess its meeting until April 20th.

After the sub-committee of the independent broadcasters left the meeting, the committee of the recorders, in company with Mr. Edward F. McGrady, again appeared before the Board. Mr. Morris on behalf of the broadcasters stated that they had submitted the license form to their principals and that they were advised that there are some changes that would have to be requested to meet operating conditions and avoid legal entanglements. At this juncture the attorneys became involved in a lengthy discussion pro and con in which a proposition was made that the matter should be referred to a district court for a declaratory decree. Our attorney held that there was no reason to fear that the anti-trust laws could be applied to our case and held against any such procedure. Attorney Friedman likewise held so.

Attorney Morris on behalf of the re-

corders stated that Mr. Thurlow Gordon, formerly with the solicitor general in the anti-trust division, has given them his opinion, that the license was in violation of the anti-trust law and in restraint of trade and that they could be held for treble damages, and that the Federation could also become involved in a like manner.

The meeting was re-convened on March 30th at which time divers matters were discussed.

Brother Murdoch made a report on the favorable results of his conference with the Canadian Radio Corporation on March 29th from which he expected exceedingly favorable results insofar as the radio situation in Canada is concerned.

The Board re-convened again on March 31st. The committee of phonograph recorders as well as attorneys Ansell and Friedman, representing the Federation, attended. Mr. Morris on behalf of the recorders stated that their clients could not accept the license for fear of legal involvements; however, that they would be willing to spend 5½ per cent. of their commercial record sales to be used in the employment of musicians, to give concerts in the various locals of the Federation. The impracticability of such a plan was discussed at length. In the discussion Brothers Hayden, Birnbach, Parks and Brenton participated. Thereupon the recorders went into executive session. Returning Mr. Morris stated that for his company he could not accept the license as same had been declared illegal by an attorney whom they had retained to pass upon the case and whose opinion was generally accepted as authoritative in such matters. However, that they were willing to continue their search for a formula that might be considered legal. All the other representatives of the recorders made similar statements.

The Chairman stated that we asked no one to do anything illegal and that if there is no way of meeting the situation, we will no longer make the product which puts our members out of business. That the Board is impatient with its eight months efforts to adjust this matter and cannot permit any further delay. The representatives retire. Mr. Ansell stated that it is still his opinion that the first license, which we had decided to enforce, invited attack and that in rewriting the license, the Board had acted in the only possible way to protect the interests of the Federation. That in his opinion the restricted license form did not invite such attack.

The meeting recessed in order for President Weber and Treasurer Brenton to make an investigation of phonograph records at radio stations. Investigation disclosed that a great number of the smaller stations, more especially among the independents, are greatly dependent on phonograph recordings. That if deprived of same, the result would undoubtedly involve not only contracts now in force with the broadcasters affiliated with networks but would also affect our negotiations with the independent stations to have them employ more musicians.

The Board at length considered the entire situation and discussed possible ways to have the United States Supreme Court decide whether or not the Federation had a right to issue the license form adopted by it. The Board is of the opinion that the phonograph manufacturers were the victims of unnecessary apprehension, but nevertheless had to recognize their abject fear of becoming legally involved by reason of being in restraint of trade if they met the stipulations of our license. In Executive session the Board took under advisement the involving of radio contracts by reason of the impasse we had reached in our negotiations with the recording industry that the contracts between the affiliates and key stations and the Federation and its local unions which could become involved if we withdrew our members from the phonograph industry involving approximately \$3,500,000 per year. Furthermore, we expected a considerable addition to this amount by bringing independent stations into con-

tractual relations with the Federation and moreover many more millions are involved in contracts of sponsored programs where the sponsor employs the musicians direct. For all these reasons, and mindful of the fact that the phonograph recorders will do all they possibly can to regulate any case or any situation against which we had cause to protest, in other words, will afford us the protection without a license, which we sought through the license, the Board instructed the President to inform the locals and members of the Federation through the INTERNATIONAL MUSICIAN and by circular letter of the present status of the case, advising them that full report of all which pertains to the radio electrical transcriptions and phonograph situation, from its inception up to the present, will be made to the convention.

Broadcasters Not Affiliated With Radio Networks

On April 30, 1938, the Board began a three-day conference with a committee of the independents. At these sessions, the articles of agreement, as well as Schedule A of the broadcasters affiliated with networks, formed the basis upon which the conference strove to bring about an agreement between the independents and the Federation.

It was found that the independent stations were greater in number than the radio stations affiliated with networks. They numbered 326, of which 145 have an income exceeding \$25,000.00 per year.

The entire radio industry (independents and networks) grossed \$125,000,000 last year. Of this, the independents, even though greater in number than those affiliated with networks, grossed approximately \$17,000,000. Of this amount, 135 stations grossed but \$2,110,000, the remaining 181 stations the other \$14,890,000. The independents grossed approximately one-seventh of the money grossed by the radio industry, as a whole, hence their importance as far as the Federation is concerned is of course only one-seventh that of the broadcasters affiliated with networks.

The bulk of the income of the independent stations is grossed by approximately 50 stations, all the others sharing the remainder. Consequently scores and scores of independent stations have such little gross income that they become negligible as sources of employment for musicians. Applying the same yardstick which the affiliates applied in establishing the quota which the radio stations must expend for musicians in addition to the money which they expended during 1936-1937 in these small stations, it would reach in many cases less than \$750.00 a year.

During the conferences with the independents it was understood, the same as in the agreement with network broadcasters that they, if coming to an agreement with us, would not have their use of electrical transcriptions and phonograph records interfered with, that is, insofar as their making depended upon services of our members. Of course you will readily see that by reason of the enormous amount of independent stations with small income, the Board was from the onset placed before the necessity of dividing the independent stations into two classes, segregating those whose income made it possible to employ musicians from those who were not in such a position.

Now, then, when we conferred with the network broadcasters, we took under advice that we furnished them chiefly with four classes of services: network services from key stations, electrical transcriptions, phonograph recordings and remote control by local and traveling bands from hotels, restaurants, etc.

We found a somewhat different situation with the independent stations. They have no network services, therefore, many of the larger employed a considerable number of local musicians and did this to the extent that the independents employed relatively more than network broadcasters. (Musicians employed by key stations of networks are not considered in this comparison.) They also have

four classes of musical services, namely, the services of local musicians, electrical transcriptions, phonograph recordings, and especially in the larger cities music by remote control from local and traveling orchestras. Independents which did not employ local musicians have three classes of musical services: electrical transcriptions, phonograph recordings and music by remote control. So it will be seen that the independents do not have the immense advantage of receiving programs from the key stations of networks. For their income they are dependent exclusively upon selling of time to local advertisers and have no income from the selling of time to network corporations for the receiving of sponsored programs for transcontinental advertising, which are the best paid.

The survey which the Federation made disclosed that the independents spent for services of members of the Federation during the year 1936-1937 approximately \$700,000.00. They requested that by reason of fundamental conditions in their stations, namely that they have only local income and no opportunity to sell time to networks and as many of them expend relatively more money for musicians than the affiliated network stations are expected to expend, the Federation should make an exemption of \$25,000.00 for each independent when considering the gross from which 5 1/2 per cent. should be expended by them for the employment of more musicians.

After many hours of discussion the Board rejected this proposition. During these discussions, the committee explained to the Board that the independents were not organized; that they have not the advantage of positively common interests as they are affiliated with no network; that, therefore, they were not in a position to make any guarantee how successful their efforts would be to bring about an understanding between the independents and the Federation concerning a contract such as we had with most of the network broadcasters; that they have been requested by transcription companies, whose customers they were, to meet with the Board of the Federation and that they acquiesced for the reason that they desired to stay in business; that they had called a convention at which merely 50 independents participated, even though all were invited; however, that many of the larger stations were represented at same and that the committee which negotiated with our Board was selected by that convention; that each and every member of same represented one or several stations; that they were not in a position to make any guarantee of the expenditure of money; that what the result would be could not be foreseen; that, therefore, they merely desired to come to some tentative agreement with us concerning the matter and that then they would submit same to the independents with the committee's recommendation to accept same.

Finally, the Board agreed that the smaller independent stations which had not sufficient income to make it possible to employ musicians should be practically ignored and as the other stations did not receive any network programs and a great number of them employed local musicians, their proposition that a certain percentage should be deducted from their gross income when the quota they were to expend for musicians was considered, deserved consideration. Therefore, the Board agreed to a blanket deduction of \$15,000.00 from all stations. The committee countered by offering a proposal of exempting the smaller stations \$20,000.00 and all other stations \$15,000.00. After a lengthy debate, this was agreed to. As 5 1/2 per cent. from the gross income of the stations should be used for staff musicians, it is clear that if a station grossed \$30,000.00, that after the deduction agreed to has been made, it will have to expend \$225.00 per annum for musicians. If \$50,000.00, \$1,925.00. If \$100,000.00, \$4,875.00, and so on. However, the stations which during 1937 expended more than 1 1/2 per cent. of their gross income for musicians, must after deduction of \$15,

000.00 from their gross, still continue to expend a larger percentage of same during each of the two years of the contemplated contract.

The articles of agreement and Schedule A as covered the affiliates of networks was then considered seriatim and modified so as to conform to the conditions the Board found in the independent radio stations.

After a final agreement was reached, the question arose as to how best to proceed to have the individual broadcasters accept same. Profiting by our experience with the network broadcasters, we advised the committee that the best way to proceed would be to send a circular letter to each of the independents requesting them to advise the committee of their gross income and at the same time send them the articles of settlement and Schedule A so that they be fully informed as to what their committee had agreed upon and in addition, thereto, make efforts to have each of them sustain their action. This done, the committee would then be in a position to determine what the quota of each station should be and how many independents were willing to sign an agreement with local unions in conformity with the understanding between the committee and our Board.

This was the situation at the time of the writing of this report. If further progress has been made in the matter at the time of the convening of the Convention, report will be made thereon to the Convention.

At a recent meeting of the Board, a lengthy discussion ensued in reference to the issuing of licenses to music recording manufacturers which necessitates the recapitulating of matters already discussed so as to more clearly emphasize the opinion held by the Board in the matter. First of all, your attention is called to the fact that in the re-drafting of the license by Attorney Ansell, none of the stipulations contained in the old licenses was omitted.

The license was merely couched in different language and it contained a preamble which read as follows:

"THE SOLE PURPOSE OF THIS LICENSE, which is and shall remain during the existence of this license identical in terms, conditions, and purpose, with all other Federation licenses of like purpose, is to mitigate a prevailing evil condition which particularly affects musicians who depend upon the playing of music for a livelihood and which has been brought about by the displacement of musicians through an extreme commercialization of mechanical recordings as a substitute for living music. The result is one of great injury; to the musicians whose performances are recorded, in that they have no effective means of regulating or preventing the unlimited reproduction of their performances; to musicians who depend upon playing music for a livelihood, in that their employment opportunities are sacrificed to the mechanical substitute; to the public, in that among other public disadvantages, it is required to give relief to many musicians displaced from employment by the exploitation of such mechanical substitutes. It is the purpose of the Federation, by means of the agreements and conditions herein, to encourage and assist its members in securing and retaining employment as musicians; to protect them in their employment and employment opportunities against the unfair and unnecessary use of mechanical recordings induced by such commercial exploitation; and to protect its members employed to perform music for recordings in their rights as such performers against the exploitation and the wrongful utilization of the recordings of their performances."

It has already been explained that the legal advisers of the manufacturers held this re-drafted license, as they did the original license, to be in restraint of trade, and that for this reason, they, as did the broadcasters before them, decided to rather run the danger of facing the withdrawal of musicians from their employ than to run the risk of being found guilty of restraint of trade. I also stated that the Federation held no such fear but that same could not be overcome by the manufacturers.

You will doubtless also remember that the articles of settlement with broadcasters which were sent to every local interested in the matter, and that Section 2 thereof, guaranteed to every broadcaster who employed musicians, the use of electrical transcriptions and phonograph recordings and that by reason of this, the broadcasters did not exchange their contracts with locals except on condition that they would receive such recordings.

In our deliberations with the broadcaster we early recognized that in a case in which well nigh 200 employers were involved that we could not possibly be 100 per cent. successful. We realized that many difficulties had to be overcome to be successful in this and that perchance in a few instances it would become impossible to do so, and this is exactly what did develop. Combinations of broadcasters were formed in the south and northwest for the purpose of resisting the attempts of the Federation to have the radio industry absorb more musicians and it took many weeks to overcome this resistance to any considerable extent. Even at the writing of this report, a few individual broadcasters have not yet signed contracts with the Federation. However, they represent less than three per cent. of network affiliates, not counting the few broadcasters with a low quota and active in towns where we do not maintain local unions and where union musicians are not available.

This was the situation at the time that the phonograph recorders failed to agree with the Federation to accept such license as we demanded. However, they, as already pointed out, agreed with us that whenever and wherever we had a complaint by reason of the unfair use of a recording in such places as hotels, restaurants, cafes, etc., that they would immediately correct same. So far the phonograph recorders have kept their word. Meanwhile, however, it is the understanding that we will continue our efforts to find a form of license satisfactory to the Federation as well as the manufacturers.

As to electrical transcriptions, as pointed out elsewhere in this report, efforts are made now by the Board to, if possible, bring all the independent radio stations into a similar contract with the Federation concerning the employment of musicians as we hold with the broadcasters affiliated with the radio networks.

As already stated, the radio industry absorbs almost all electrical transcriptions. Therefore, the question concerning their regulation will greatly adjust itself if an agreement is consummated between the Federation and the independent stations.

I make these explanations so that the delegates may get a thorough understanding of two thoughts which were expressed and fully discussed and considered at one of the recent meetings of the Board in April. The one was that the possibility existed that the Federation may be obliged to go into the manufacture of recordings if we should decide to withdraw our members from the manufacturers of such as under our agreement with the network broadcasters, they are entitled to their use. Therefore, if through any act of ours they fail to secure recordings, we could not protest if network affiliates ceased to employ musicians. Of course we could have refused and insisted upon one containing the stipulations that network programs should not be sent to an affiliate who does not employ musicians. Most assuredly such contract would have been refused and then we would have had but one alternative, namely, to call a general strike. This would have, of course, meant the withdrawing of all musicians from the radio industry, not only such as were directly employed by the key stations in New York, Chicago and Los Angeles and by all affiliates of networks but also such as played for sponsors which have bought time for their advertisements from the radio network. Such policy would have forced the industry to choose between two alternatives, one to increase the musicians in their employ or do without network

programs, and the other to face the strike so they may not be held in restraint of trade and place their federal licenses in jeopardy. There is no doubt that between the two they would choose the first alternative, that is, face a strike. Therefore, it became a matter of grave importance to weigh the consequences of such an exigency as it involved the surrendering of all which we had in the industry, with the employer continuing to be fearful of being held in restraint of trade, and, therefore, he would attempt the best he knew how to maintain his business without the services of musicians, no matter how great the injury to the industry would develop to be.

The other thought expressed at the meeting of the Board was first that we had really not promised or agreed that electrical transcriptions and phonograph recordings could be used by the employer in the event that he employed musicians. That if the musicians who worked for the manufacturer of recordings and electrical transcriptions were withdrawn, that it would not be a denial to furnish them transcriptions, as it would be a question between the radio industry and the manufacturers if the latter were not in a position to furnish them with electrical transcriptions and not one between the radio industry and the Federation. Of course this argument left out of consideration the positive fact that in No. 2 of the articles of settlement, the Federation did assume the responsibility not to interfere in any manner with the radio industry receiving electrical transcriptions in the event that they would absorb more musicians.

Between these two thoughts it became a question whether to call a general strike if the matter of licensing manufacturers of electrical transcriptions could not be satisfactorily adjusted or whether it would be best to continue our efforts to get as many independent stations as possible under contract with us and thereby practically sidetracking the entire question, as was before said, the radio industry absorbs almost all the product of the electrical transcription manufacturers.

The Board concluded in the beginning of our efforts to have more musicians employed in the radio industry, the Federation did not have the remotest idea of the involvement of the question, neither did the radio industry up to the time that the first contract to which we had agreed was held to be illegal by their attorneys. In spite of it all, the Federation had made great progress in the matter and it would be best to continue future efforts in this direction and that it would be the height of folly to positively jeopardize the gains so far made, and that, therefore, a strike situation should not be precipitated. In this the Board reiterated a conclusion it had reached at a previous meeting. The delegates, after reading this report, are now, of course, aware of all the difficulties that had to be met and that judging from their number and importance, the Federation was successful to a degree of which we had for a considerable time despaired. The Board holds to the opinion that the proper function of the Federation should be to add to the progress thus far made. To do this, it will be obliged to apply itself for a considerable time. However, such is the case with all progress, especially in a great field not previously explored.

In reference to phonograph recordings and electrical transcriptions, a possible solution of the matter insofar as their use on radio is concerned, may eventually present itself by the government realizing that it can exercise the authority to make the licensing of radio stations dependent on the use of live talent by the broadcaster and can enforce regulations reducing the amount of recorded music to be used by him. It is not out of the range of possibilities that eventually we may be successful in bringing about such a stimulating of the employment of live talent and restriction in the use of recorded music. However, it is not a matter which will lend itself to be adjudicated in a short time, but is rather one in which results may only be achieved through con-

tinal propaganda and the awakening of the interests of the public and the government to the fact that such a policy has the economic advantages of making for more employment.

With this, this report of the activities of the Board in the matter concludes, and I take these means to compliment the Board on its wisdom, its consistent activities and perseverance in the case. No one is in a better position to voice these sentiments than the President, in whose office all these activities in the main centered.

Dubbing of Film Music Sound Tracks

Elsewhere in this report I have stated that in accordance with instructions of the International Executive Board, negotiations had been begun with the moving picture studios in Hollywood to regulate the use of music sound tracks on picture films.

The President conferred with many representatives of the industry and then referred the matter to Brother J. W. Gillette with suggestions and instructions as to the position of the Federation in the matter and requested him to immediately begin negotiations in the effort to reach an agreement with the film industry concerning same.

The regulations contain the following paragraphs:

1. Complete elimination of the use of the sound track except to accompany the picture for which the music was prepared, performed and/or recorded. Identification of picture to be registered with studio representative of the A. F. of M.
2. It is understood and agreed that members of the A. F. of M. are not required or permitted to record music sound tracks for general usage or for any purpose whatsoever, except as provided in Paragraph 1.
3. It is further agreed that all music sound track already recorded, commonly referred to as library sound track, will not be disposed of, sold, leased or used for any picture or purpose except to accompany a revival of the picture for which recordings were originally made.
4. It is further understood and agreed that members of the A. F. of M. will not be required or permitted to apply music sound tracks for any purpose in violation of the terms herein provided.
5. It is understood and agreed that library sound track may be used to accompany trailer for picture providing the pictures advertised by such trailer employ musicians to record for same.
6. Library sound track may be used for signature or trade identification at the beginning of a picture only for the purpose of production identification, providing such usage does not in any manner, directly or indirectly, replace or substitute the regular or customary "introductory" or "main title" music.
7. Library sound track may be used for News Weeklies.
8. Accompaniments for a song or solo dance or a specialty number, the sequence of which has been cut in its entirety from the picture for which it was prepared, may be used for one picture only when properly cleared through the office of the studio representative.
9. Library "sound track" may be used for previewing pictures when such previews are for non-commercial purposes.

At the writing of this report, Brother Gillette is active and has made considerable progress in the matter and his untiring efforts in same deserve to be duly recognized and for this reason I report thereon to this convention.

In Memoriam

During the past year the Federation suffered a regrettable loss through the demise of the following members. All of them were active as delegates to conventions, and were helpful in the maintaining of our organization in the furthering of its progress. They will forever be remembered by the local and national organizations which they served so well:

- C. R. Jahns
- Adolph Hirschberg
- Frank Borgel
- William Brakeman

- Karl Kemper
- Frank E. Judy
- Earl G. Shear
- Ed. J. Elliott
- Carl Shober
- John Sheppard
- F. J. Leibold
- John MacLuskie
- Arthur Walter
- Alan H. Ross

Ralph Feldser

Verily, the passing of a friend and co-worker always saddens our hearts, but if same was the result of a tragedy, we feel it all the more keenly. Such an incident, I regret, is my sad duty to report.

Ralph Feldser, the State Officer of Pennsylvania, brilliant Secretary of the Pennsylvania State Conference of Locals and one of the most influential and tireless workers on behalf of our cause, in company with Brother Diefenderfer of Reading and his dear wife, Laura, visited the President in New York on January 12th. It appeared that a short time since a number of musicians had been taken from the WPA music project in Reading and as a result thereof, found themselves in dire straits. The visit of the parties named had for its purpose to lay the matter before me to secure the assistance of the President's office to, if possible, secure succor for the members involved, which promise to do so was immediately given and, this done, the parties joined Mrs. Weber and myself at lunch. It was a dreary winter day. The heavens were overcast with dense clouds. A drizzling rain had turned into sleet and the roads were dangerous to pedestrians as well as automobiles. The parties left and the last words to them were an admonition to be careful as under the weather conditions the driving of an automobile was dangerous.

It was less than two hours thereafter that an unavoidable accident immediately snuffed out the life of dear Mrs. Diefenderfer, fatally injured Brother Feldser, who passed away a few hours thereafter, and injured Brother Diefenderfer to the extent of necessitating his hospitalization for a considerable time.

The lamented Mrs. Diefenderfer is well remembered by many delegates, more especially by the lady visitors to our conventions as a lady of sunny temperament, a good companion, a wonderful mother and a helpmeet to Brother Diefenderfer. Her demise will come as a great shock to all who knew her.

Brother Feldser endeared himself to all who knew him and more especially to our members in Pennsylvania through his untiring efforts to safeguard their interests, more especially in the legislative halls of their state. He desired to withdraw his activities from the Federation so as to better attend to his personal affairs, but in response to the request of the President of our Federation, he remained active in our organization and therefore his untimely death overtook him when actually engaged in a mission of mercy on behalf of members of our organization. May heaven bless his soul. A finer man I never knew and I know this was the experience of all who had the pleasure of his acquaintance and the opportunity of being active with him or in a narrower sense were the recipient of the benefits of his activities.

The Following Members Officiated as State and Provincial Representatives 1937-1938

- Alabama—C. P. Thiemonge, 333-34 Clark Building, Birmingham.
- Arizona—Charles J. Beese, 1426 East Culver St., Phoenix.
- Arkansas—Gance Scott, Route 1, Box 300, Johnson Road, Fort Smith.
- California—Walter Weber, 230 Jones St., San Francisco.
- Colorado—James D. Byrne, City Hall, Pueblo.
- Connecticut—Arthur Lee, 29 Division St., Stamford.

- Delaware—W. H. Whiteside, 223 Woodlawn Ave., Wilmington.
- Florida—R. Glenn Kay, 507 Morgan St., Tampa.
- Georgia—Herman Steinichen, 423 Mortgage Guarantee Building, Atlanta.
- Idaho—Albert J. Tompkins, 601 Empire Building, Boise.
- Illinois—Chas. Housum, 823 North Church St., Decatur.
- Indiana—P. J. Shusler, 2178 Talbot, Indianapolis.
- Iowa—G. R. Jahns, 521½ 15th St., Moline, Illinois.
- Kansas—V. L. Knapp, 1116 Taylor St., Topeka.
- Kentucky—George P. Laffell, 873 Eastern Parkway, Louisville.
- Louisiana—George Pipitone, 1416 Bourbon, New Orleans.
- Maine—Charles E. Hicks, 71 Lawn Ave., Portland.
- Maryland—Oscar Apple, 847 Hamilton Terrace, Baltimore.
- Massachusetts—Walter Hazelhurst, 544 Main St., Worcester.
- Michigan—George Rogers, 735 Atwood St., Grand Rapids.
- Minnesota—George E. Murk, 32 Glenwood Ave., Minneapolis.
- Mississippi—Alfred Setaro, 1219 Magnolia St., Vicksburg.
- Missouri—H. O. Wheeler, 1017 Washington St., Kansas City.
- Montana—Earl C. Simmons, 41½ North Main St., Butte.
- Nebraska—R. Oleson, 2454 North 45th Ave., Omaha.
- Nevada—Fred B. Corle, P. O. Box 29, Reno.
- New Hampshire—James E. McWeeney, 118 Palm St., Nashua.
- New Jersey—Leo Cluesmann, 60 Park Place, Newark.
- New Mexico—Joseph N. Kirkpatrick, 521 First Nat'l Bank Bldg., Albuquerque.
- New York—George Wilson, 216 Dillaye St., Syracuse.
- North Carolina—C. W. Hollowbush, R. F. D. No. 1, Wilmington.
- North Dakota—Harry M. Rudd, 725 Bluff St., Fargo.
- Ohio—Otto J. Kapl, 2200 East 21st St., Cleveland.
- Oklahoma—P. F. Petersen, Carbondale Station, Tulsa.
- Oregon—E. E. Pettingell, 2502 S. E. Yamhill St., Portland.
- Pennsylvania—Clair E. Meeder, 810 Penn Ave., Pittsburgh.
- Rhode Island—William Gamble, 19 St. James St., Providence.
- South Carolina—C. Hy. Amme, 341 King St., Charleston.
- South Dakota—Burton S. Rogers, 6 Kenwen Apts., Sioux Falls.
- Tennessee—Joseph Henkel, Jr., 1026 Poplar Ave., Memphis.
- Texas—E. E. Stokes, 621 Kress Bldg., Houston.
- Utah—Jerrold P. Beesley, 463 11th Ave., Salt Lake City.
- Vermont—Alex. E. Milne, 15 Hill St., Barre.
- Virginia—Jacob N. Kaufman, 3011 Patterson Ave., Richmond.
- Washington—H. A. Pelletier, 224 Haight Building, Seattle.
- West Virginia—R. Blumberg, P. O. Box 898, Charleston.
- Wisconsin—Frank Hayek, 1945 North 25th St., Milwaukee.
- Wyoming—H. L. Helzer, 2109 Evans, Cheyenne.

DOMINION OF CANADA 1937-1938

- Alberta—C. T. Huestwick, 10167 94th St., Edmonton.
- British Columbia—E. A. Jamieson, 3349 38th Ave., West, Vancouver.
- Manitoba—F. A. Tallman, 504 Sprague St., Winnipeg.
- Ontario—A. J. Nelligan, 81 Pickton St., East, Hamilton.
- Quebec—Stuart Dunlop, 120 Claudioboyne Ave., Westmount.
- Saskatchewan—E. M. Knapp, 316 15th St., Saskatoon.
- Nova Scotia—Edwin K. McKay, 50 Oakland Road, Halifax.

New Brunswick—William C. Bowden, 74 Sidney St., St. John.

State Representatives Visited the Following Jurisdictions

- Frank Hayek—Kenosha, Wisconsin.
- Walter Weber—Stockton, California.
- H. A. Pelletier—Olympia, Washington.
- George F. Wilson—Auburn, New York.
- C. W. Hollowbush—Winston-Salem, North Carolina; Anderson, South Carolina.
- J. D. Byrne—Grand Junction, Colorado, 2.
- Walter Hazelhurst—Fall River, Massachusetts; Southbridge, Massachusetts.
- Herman Steinichen—New Orleans, Louisiana; Bristol, Tennessee-Virginia; Savannah, Georgia; Columbia, South Carolina.
- E. E. Stokes—Beaumont, Texas.

Officers of the Federation and Assistants to the President Visited the Following Locals

- G. B. Henderson—St. Louis, Missouri.
- E. M. Canavan—Knoxville, Tennessee.
- Fred W. Birnbach—Jersey City, N. J.
- G. B. Henderson—Jersey City, N. J.
- G. B. Henderson—Newport, Rhode Island.
- Fred W. Birnbach—Yonkers, New York.
- E. M. Canavan—Rochester, New York.
- J. W. Parke—Wichita Falls, Texas.
- Fred W. Birnbach—Charlotte, North Carolina.
- New Orleans, Louisiana.
- Atlanta, Georgia.
- Fargo, North Dakota.
- Cleveland, Ohio.
- White Plains, New York.
- Baltimore, Md.
- Mt. Vernon, N. Y.
- Bridgeport, Conn.

Special Representatives Visited the Following Locals

- John L. Sullivan—New London, Conn.
- Oscar Hild—Dayton, Ohio.
- Jack T. Balfe—Grand Junction, Colorado.

State and District Conferences

Many such conferences were held during the last year. The Federation was suitably represented at them as provided for by the law. The value of these conferences cannot be overestimated, more especially as they take precaution to keep within the limits of their authority. The very intermingling of delegates of locals from a city or district for the purpose of interchanging views as to local conditions and acquiring information how unfavorable situations are best met and corrected in the various jurisdictions of locals is progressive. It can only have good results. The conferences are in some instances directly responsible for the passing of tax laws insuring band concerts and rendering exceedingly valuable service in counteracting laws which are unfavorable to our profession, as for instance the 12 o'clock closing law, the restriction of music in certain places of amusement, the over-taxing of employers who employ musicians in their establishments and so on.

The last New England Conference had an attendance of approximately 100 delegates and at the Connecticut Conference, all but two locals of the state were represented. The same condition was found in other conferences. All this shows that the interest and enthusiasm of members so necessary for the proper success and maintenance of their locals is unabated.

In none of these conferences were attempts made to advise local unions to instruct their delegates to the convention on any question which properly belongs to the convention. Doing so is the only danger which can ever lead to the mis-carrying of conferences and same become more and more remote.

- July 31 and August 1, 1937 (Rocky Mountain Conference of Musicians), Cheyenne, Wyo.—James D. Byrne.
- August 3, 1937 (Indiana State Conference), Indianapolis, Ind.—Chauncey A. Weaver.
- August 8, 1937 (Ninth Annual Conference of Pennsylvania and Delaware Locals), Reading, Pa.—Joe N. Weber.

- September 19, 1937 (Illinois Conference of Musicians), Aurora, Ill.—C. P. Housum.
- September 19, 1937 (New Jersey State Conference), Jersey City, N. J.—Charles L. Bagley.
- September 26, 1937 (New York State Conference), Syracuse, N. Y.—Fred W. Birnbach.
- September 26, 1937 (Wyoming State Conference of Musicians), Casper, Wyo.—James D. Byrne.
- October 3, 1937 (Wisconsin State Musicians Association), Fond du Lac, Wis.—Fred W. Birnbach.
- October 10, 1937 (Connecticut Conference of Musicians), Meriden, Conn.—G. B. Henderson.
- October 24, 1937 (New England Conference), Westfield, Mass.—Thomas F. Gamble.
- October 24, 1937 (Hudson Valley Conference of Musicians), Poughkeepsie, N. Y.—Charles L. Bagley.
- November 1, 1937 (Florida Conference of Musicians), Miami, Fla.
- November 14, 1937 (Southern Conference of Musicians), New Orleans, La.—John W. Parks.
- November 21, 1937 (Indiana State Conference of Indiana Musicians), Indianapolis, Ind.—Chauncey A. Weaver.
- February 20, 1938 (New Jersey State Conference), Asbury Park, N. J.—Fred W. Birnbach.
- April 10-11, 1938 (Mid-West Conference of Musicians), Dubuque, Iowa—Fred W. Birnbach.
- April 10, 1938 (Connecticut Conference of Musicians), South Norwalk, Conn.—Joe N. Weber.
- April 10, 1938 (Hudson Valley Conference of Musicians), Middletown, N. Y.
- April 14-15, 1938 (Michigan Musicians' Association), Detroit, Mich.—Fred W. Birnbach.
- April 24, 1938 (Illinois Conference of Musicians), Springfield, Ill.—G. B. Henderson.
- April 24, 1938 (Tri-State Conference of Musicians), Toledo, Ohio—Fred W. Birnbach.
- April 24, 1938 (New England Conference), Fitchburg, Mass.—Joe N. Weber.
- May 1, 1938 (Wisconsin State Musicians' Association), Superior, Wis.—W. B. Hooper.
- May 15, 1938 (New Jersey State Conference), Elizabeth, N. J.—G. B. Henderson.
- May 22, 1938 (New York State Conference of Musicians), Saratoga Springs, N. Y.—Joe N. Weber.
- May 23, 1938 (Indiana State Conference), Fort Wayne, Ind.—Chauncey A. Weaver.

Traveling Representatives

In the labor movement, such international labor organizations are most effective and successful which remain in continual contact with their members through traveling representatives. The larger the number of such, the more beneficial to their organizations their activities prove to be. It is but a short time since that our organization follows a like policy and the activities of our representatives thus far suffice to show that direct contact with local unions is indisputably valuable and advisable. Of course it is not to be assumed that an entirely new system, and such the maintenance of traveling representatives is for us, will after a short time fully disclose all its advantages. However, this much we can say, that scores of locals are now better maintained by reason of advice given them by traveling representatives, and the closer contact through them now established with their national organization is hailed by most of the locals with great satisfaction. Many of them are now better policed and such of our traveling bands, which were formerly unchecked, sidestepped the charging of the 10 per cent. surcharge and failure to remit thereon to the International Treasurer, now realize that doing so is more and more fraught with danger. This resulted in less violation of the law and is fair to such bands and orchestras which, with-

out any question, held themselves bound by and strictly adhere to the laws of the Federation.

Division in Organized Labor

The report to the last convention treated at length with the rift in organized labor. The position of our organization in reference thereto is now, as it was then, namely, that our interests lie with the American Federation of Labor. The conditions under which our members seek their livelihood, as musicians, make it unthinkable that one big union could properly protect them. To fully realize this, we need but consider the different industries (hotels, radio, etc.) in or by which we are employed, to say nothing of the casual engagements played for individuals or societies which in many local jurisdictions, especially the smaller, represent the bulk of our employment for our members. Employment conditions in each local greatly differ and its many complexities and problems are for the individual locals to solve. They cannot be solved by anyone else and the possibility to do so is generally determined by local environments and conditions.

The employment of our members is regulated by the public's preference for certain kinds of musical services which must be met, as otherwise the protection of our members for the purpose of gaining for them decent working and wage conditions would be hindered rather than stimulated.

By all the foregoing, it will be readily seen that the working conditions of our members could not possibly be conducted or regulated by one big union. These can only be regulated through autonomous action of locals and their Federation. In both industries they are at all times the sole judge of their own affairs and never subordinated to the will of other workers not following the musical profession.

The division in organized labor did here and there present problems to some of our locals which, however, are few in number. Some so-called CIO musicians' unions, many of them chiefly consisting of expelled members of our organization, have been formed. However, their inroads upon the employment opportunities of our members have been exceedingly small, but nevertheless, wherever organized, they presented a vexing problem which had the result of putting our locals on their guard to preserve their own standing, and in this they have been almost uniformly successful. In cases where efforts were made to lure our members into these rump musical unions, they miserably failed. The attitude of our general membership remained staunch in the support of their local and their international organization.

All efforts to heal the breach in the division of organized labor have failed by reason of the attitude of the CIO. The latest development in the case is the effort of the CIO to form their own Federation of Labor. However, be that as it may, it will never have any appreciable influence upon the standing of the American Federation of Labor, which has now gained considerably more members than it lost through the defection from its ranks by the unions which formed the CIO.

The Finances and Laws of Our Organization

Never before in the history of the Federation has it proved its fiscal policy so sound and satisfactory as during the last three years. The reason therefor is that the truism is recognized that the power to tax is the power to destroy and therefore taxes must be kept within reasonable limits. Bitter experience made us realize this. To recognize that this is so we need only to consider the famous 30 per cent. tax law and the harm same did to the prestige of the Federation which taught us to be more circumspect and not enact tax laws which, if not leading to open rebellion, leave members no other alternative except to take recourse to divers means and devices to defeat same.

Our present system of taxation does not impose any hardship upon locals or members and in addition the per capita tax is the lowest in the entire American Federation of Labor. The resources of our Federation are chiefly derived from surcharges on engagements. These surcharges are not actually paid by members, but represent the amount (10 per cent.) which members must add to the union wage on all traveling and out-of-town engagements, and are actually paid by employers, except in cases in which a contracting leader or member, in order to gain an advantage over his competitors (the exception and not the rule) enters into some fictitious arrangement with an employer and assumes the payment of the surcharge himself instead of adding same to the union price he charges the employer for his own or the services of his band or orchestra.

We are the only organization in entire organized labor maintaining such a system, but how satisfactory its result is can best be seen by the financial position of many locals which has been greatly improved since the inauguration of this system. However, I would strongly urge not to increase the surcharge as the result could again only lead to a repetition of the injurious experiences we had during the time we attempted to enforce the 30 per cent. law. Local unions and officers of the Federation cannot forget the miserable failure of that attempt. Same was on the supposition that thereby traveling bands could be kept out of the jurisdiction of locals. Double contracts, false reports, perjury and a general contempt of this law was the result. This led practically to contempt of all laws of the Federation and therefore the unfortunate attempt to enforce the law (which by many was rightfully termed "the 18th Amendment of our organization") was discontinued in the nick of time and the present surcharge system inaugurated. Of course it is not to be assumed that this, as well as any other law, rule or system could prove 100 per cent. successful. However, this surcharge method of raising revenue has proven more effective than any other and places no hardship on any member except on such which violate same.

Nothing is more conducive to unrest in an organization, and more especially in ours, than an unjust fiscal policy, and no law of the organization is more difficult to enforce or takes longer to be finally adhered to by the general membership than changes in or a new fiscal law. Therefore, as long as such a law proves satisfactory, it is not indicated nor advisable, and never will prove successful to modify so as to increase the tax provided for by same, or increase the surcharge to be paid by an employer in addition to the union price of an engagement. If a tax becomes burdensome and affects a great number of members, its attempt to enforce same is merely an abortive effort, never benefitting an organization.

I cannot omit to call the attention of the convention and of the law committee to the many protests and complaints in reference to the 100 per cent. tax on permanent radio engagements played in the jurisdiction of locals by traveling bands. Whereas, this law provides considerable income for the Federation and to a few locals, this constitutes no reason why, if it is held to be inequitable, it should not be modified. This tax is generally paid by "name bands" which generally receive considerably more than union wages but this is also no reason why it should not be modified if it is found to be too exacting. It is generally paid by bands which play sponsored radio engagements. In such, the sponsor selects his own band or advises the agent what band he desires and if he finds difficulty, either through the union law or for any other reason to secure the band he desires, he looks for another attraction in lieu thereof. In such cases the engagement is not exactly competitive. If a sponsor desires Whiteman, Vallee, Bernie, Goodman or any other band of the same class and he cannot have it, it does not necessarily follow that he will employ

another band. The Federation should follow a policy to as much as possible keep bands on the air as they no longer solely preempt the field of attraction on radio. As to the imposing and collecting of the 100 per cent. tax, we must consider that the power to tax should not lead to inequity and therefore, I suggest and request, that the law committee take under advice whether this is the situation in this case and if so, whether it would not be reasonable and sound to modify a highly irksome tax which imposes on a certain class of members financial obligations far beyond the limits of obligations other members have to meet.

Another proposition enters into the question, namely, if a traveling band visits a local and has in its ranks members of the same local and the 100 per cent. tax is enforced, then same must also be paid for the local members of such band. This is absolutely unjust. As an example, for instance, a traveling band enters the jurisdiction of New York and a number of its members belong to the New York Union. It plays a radio engagement. The leader has to pay from the surplus which he receives over and above the union price a 100 per cent. tax and has to pay same for the members of the band which belong to the local in whose jurisdiction he plays as well as for the others. It is worth consideration in connection with this as to whether the fact that members of the local who belong to the band were taken out of local competition while they traveled with the band, should not entitle the leader at least to the benefit of being relieved from paying tax for them when playing in their own jurisdiction.

These statements are based upon the objections which are made by highly representative leaders of name bands concerning the law in question. They do not object against paying a tax but hold that they are singled out from other members in the payment of this tax to the point of persecution.

I respectfully submit this matter to the law committee for its consideration as to whether the cry for equity made by the members referred to is justified.

I suggest that Section 1 of Article I be modified to the extent that same may not be so construed that the President in a case which he considers to be an emergency can assume full control over the treasury or finances of our organization. It is true the President is responsible to the convention for his activities during a year. It is also true that the authority given him by Section 1 of Article I was in the past always used in a manner highly beneficial to our organization and that in each case the President reported his activities to the various conventions and was always fully sustained by them. Many examples have been given and conditions developed which make it perfectly clear that the authority given the President under Section 1 of Article I must be given so as to make it possible, in cases of emergency, to immediately protect the interests of our members. This necessity will remain no matter who may be the chief executive of the Federation. The conditions in our profession leave no other alternative. However, the authority conferred upon the President should stop short in all cases where the finances of the Federation may become involved unless the law specifically provides or the International Executive Board instructs the President to draw upon the treasury of the Federation in the direct or indirect defense of our organization.

Therefore, I would suggest that the following be inserted in Section 1, Article I of the By-Laws:

Insert after the word "thereof" in the sixteenth line, the following:

"except such which treat with the finances of our organization" so as to have the law read as follows, beginning with (b) on the fifteenth line:

"(b) may annul and set aside same or any portion thereof except such

(Continued on Page Fourteen of the regular International Musician)

Over
FEDERATION
Field

(By CHAUNCEY A. WEAVER)

Knee-deep in another rare, redolent, aromatic, pulsating, life-giving month of June! Forests are leaf-garbed, meadows are green, gardens are gay with roses, orchards are in bloom. University and high school commencement orators are exhaling their academic wisdom. Bridal processions are marching to the somber music of Lohengrin or the lilting melodies of Mendelssohn.

The musician should find deep satisfaction in the reflection that his own art is in some way or another inseparably connected with this mid-summer nature glorification.

It was amid scenes like these that Beethoven and many of the old masters of creative music loved to ramble, drinking inspiration from every spreading tree and rolling meadow and running brook. Lowell's rhapsody over this mid-year season is familiar to every nature lover, yet, in this connection we cannot forbear to quote these particular lines:

*The little bird sits at his door in the sun,
Attit like a blossom among the leaves;
And lets his illumined being o'errun
With the deluge of summer it receives.
His mate hides the eggs beneath her wings,
While the heart in her dumb breast
Futters and sings.
He sings to the wide world, and she to
her nest.
In the nice ear of Nature which song is
the best?*

June is an exhilarating climax for the first half of the year. We rejoice that the rigors of winter are no more; that the whimsicalities of a fickle spring-time are passed, and find happiness in watching the toilers in the field, and enchantment in the incidental music of the mid-year season.

Prophecy is a hazardous pastime, but as these lines are written, from north, east, south and west, and throughout the great Mississippi Valley, are heralded glad tidings of bountiful harvests.

May these predictions prove true—to the end that the hungry may be fed, and the ill-clad made comfortable, and the un-housed provided with homes they may call their own.

*In the merry month of May,
On the twenty-second day,*

the Indiana State Conference of the American Federation of Musicians held their second convocation in the Chatter-box Room of the Anthony Hotel in the City of Fort Wayne—with Local No. 58 acting the part of host. Twelve locals, represented by 23 delegates, composed the gathering. It was an earnest and thoughtful body of men. They took their task seriously. The debates evidenced an intelligent approach to current issues. The over-shadowing theme was the gross income tax in effect in that state—and the best means of arousing public interest to the importance of modifying its provisions so that some of the fantastic features of the statute can be eliminated and certain indefensible provisions working severe hardship on many musicians—especially leaders—be removed. The following officers were elected: President, F. L. Ritchie, Local 578, Michigan City; Vice-President, Harry Geiss, Local 192, Elkhart; Treasurer, Fay Bloss, Local 278, South Bend; Secretary, A. Hammerschlag, Local 3, Indianapolis; Executive Committee: R. Jellison, Local 58, Fort Wayne; C. Souders, Local 245, Muncie, and R. Elster, Local 203, Hammond. Selection of location for the next meeting of the conference was placed in the hands of the executive committee. At the noon hour a wonderful repast was provided—during which instrumental and vocal entertainers from local radio stations gave a much appreciated program. Henry Fitzmeyer (simplified spelling), of Local 4, Cleveland, Travelling Field Officer for the Federation, and National Executive Officer Chauncey A. Weaver of Des Moines, attended the conference, and both were invited to address the delegates. Incidentally, we learned that Indianapolis will be in the field with an aggressive campaign to secure the 1940 National Convention. It will be the half-century mark of existence for Local No. 3 and its members desire to observe the event in this particular fashion. Indianapolis has the vantage point of central location. The first national convention was held there in 1896, and another one in 1903. We are not afraid to hazard the prediction of a

LABOR HI-LITES
UNION NEWS FEATURES COMPILED BY CHAS. SCHWARTZ DRAWN BY SEAMAN

winning campaign! So far as the Fort Wayne Conference is concerned, Local 58 did a splendid job in the matter of entertainment—under the direction of President H. James Flack and Secretary Robert A. Jellison. It was a pleasure to be there.

For a long period of time we had supposed that the principal activities of Wisconsin were to make a high grade of cheese, encourage the manufacture and absorption of a certain line of refreshment which made Milwaukee famous, and elect the La Follette to office. But we have constant reminders that there is something else going on in the Badger commonwealth. Music has had a re-birth. Its voluptuous swell can be heard at any hour of the day or night. It echoes from the hilltops; surges through the valleys; radiates tone color from every public hall, and glorifies every fireside. Many forces, of course, may combine to produce this harmonic inundation—but even such an array would be under a handicap without a wide-awake, up-to-date, and efficient publicity agent. That institution Wisconsin has in the person of Ervin J. "Doc" Sartell, President of Local 323, of Janesville, Wis. These lines are inspired by receipt of the sack full of reading musical matter which reached our office this morning. Among other contributions we find details of a program rendered by the Racine Concert Orchestra and a male quartet—in which Indian music was largely featured with interesting explanatory notes for each number. Also the program of the Wisconsin Symphony Orchestra concert last month in the Pabst Theatre in Milwaukee—Dr. Sigfrid Prager, conductor. Then comes an extended program given under the auspices of the Treble Clef Club and the various bands and orchestras of Beloit. Then a schedule of 29 programs played under the auspices of the Federal State Music movement and directed by William V. Arnold. These last-named concerts were played at Oshkosh, Menasha and Neenah. Unless we have overlooked something then comes the climax in way of a program for the "Ninth Annual Music Clinic," on July 11-30, at Madison. We are accustomed to think of a clinic as an occasion when surgeons or medical men are showing how wonderfully and fearfully made is man for the benefit of students or other on-lookers. This particular "Clinic," however, deals with cultural introspection. It will be educational in the highest degree. Courses of instruction will be arranged for all instruments. Harmony will be taught. Lectures will be given. For further information write "Doc" Sartell. May "Doc" remain immune from "writer's cramp" for a long period of time to come.

Montreal musicians, known in Federation circles as Local No. 406, exemplified the joys of living on April 28, with a Frolic. In the printed program copy with which we have been favored, we note the

evidences of business enterprise and musically art. The program itself required 60 pages in which to announce what the celebrators might expect. Fourteen numbers outlined the musical feast. Epitolar felicitations from members of the National Executive Board were reproduced, and a full page was utilized in proclaiming the aims and ends sought to be attained in the professional world. Like all other Locals, on both sides of the international boundary line, Montreal musicians have felt the stress of the depression period; but they have survived the crisis in a magnificent way (we imagine in some respects far better than some of their brethren on this side), and in fine spirit and with buoyant hopes are facing the future. We heartily congratulate the organization, which is officered by the following: President, I. Aspler; First Vice-President, M. Meerte; Second Vice-President, A. Tipaldi; Secretary, E. Charette; Treasurer, A. Delcourt; Sergeant-at-Arms, S. J. Kingwell; Directors, Al. Begin, Leon Kofman, J. Mastracola, A. Meerte, Ed. Tremblay. Brotherhood Committee: Ed. Sweeting, J. Tipaldi, A. Delcourt, Ed. Fowler, Louis Solomons. The festivities were held at the Hotel Windsor. The playing and the dancing and the singing and the feasting all helped to make a notable occasion in Montreal's musical and social history.

"Our members send best wishes for a speedy recovery to Chauncey A. Weaver, National Executive Board member, recently reported in a Des Moines hospital." —Dan Wheeler in *Omaha Musician*. Many thanks! Am out, up and on the job.

Federation Member Ernest Smith in the Local No. 308 Bulletin, Chicago—official organ of one of the strongest colored units of the organization, writing under the caption—"Negro Band Potentialities"—offers his racial brethren the following suggestions:

The saxophone—this doubtful off-spring of brass and reed—has, in the interest of volume displaced many instruments of more ingratiating attributes, and has lent a measure of rigidity to orchestral felicity. And so I think here is a fertile field for experimentation by Negro bands with gratifying results: a recruiting of choirs from strings, brasses and reeds, percussion instruments and a minimum employment of hybrids, and here I also think is an ordinary remedy that will cure all the economic perplexities.

The practical application of the doctrine heretofore quoted will be watched for results—in whatever community the experiment is tried. We are all looking for an acute analysis and wholesome and regenerating specific for our "economic perplexities."

"Living Music Week" was given thorough-going recognition by Local No. 424 of Richmond, Calif., in the early part of last month. Band and orchestra programs, interspersed with vocal selections,

brought fine audiences to the high school auditorium. The success of the enterprise was an interesting commentary upon what may be accomplished in even the smaller communities when the will to do is in evidence. Following is the official roster of the Richmond Local: President, W. J. Sennett; Vice-President, William Butler; Secretary, Gay G. Vargas; Sergeant-at-Arms, Jack Wilson; Board of Directors: George Brandon, Fred Aichinger and Oscar Franson. For the entertainment program, P. F. Barry was master of ceremonies. Secretary Vargas was the musical director.

We were unable to attend the April Conference of the Illinois Federation of Musicians, but we make bold to purloin a few facts from the Waukegan Bulletin—Local No. 284. The conference was held in historic Springfield. President F. E. Leeder of Local 19 welcomed the 30 delegates representing 17 Locals. Mayor Kapp gave a much appreciated greeting to the visitors. G. Bert Henderson, from the official staff of President Joseph N. Weber, was present and delivered a detailed presentation of the many problems with which the national organization is wrestling in these trying days. National Investigator W. H. Hooper of Elkhart was another speaker. The main subjects discussed were municipal bands, agreements with bartenders and the never-ending high school competition. Local No. 19 furnished the visitors a fine lunch. Joliet was selected as the situs of the September meeting. The following officers were then elected: President, William Peterson of Bloomington; Vice-President, Percy Snow of Waukegan; Secretary-Treasurer, J. S. Simpson of Joliet; Board of Directors, Frank Mendenhall of Danville, E. C. Washer of Champaign, William Schmidt of East St. Louis and George Pritchard of Waukegan were re-elected.

Fifty years ago, April 16, Carl Miller landed upon American soil from the old country. He eventually arrived in Waterloo, Iowa, where he became identified with Local No. 334. He has been official, instrumentalist, all-round handy repair man. In a letter he gives a rapid-fire sketch of the kaleidoscopic panorama which has been spread before him since his arrival in the land of the free and home of the brave. Included in the picturesque personnel we note the names of Carrie Nation, Admiral Dewey, Henry Ford and Teddy Roosevelt. In the enumeration of events we find included—Woodrow Wilson's 14 Points, sinking of the Lusitania, prohibition, the bank holiday, the Blue Eagle, a few depression periods—and enlistment in the war which was to make all the world safe for democracy. It has been a hectic scene, but Carl does not regret the fateful dispensation which brought him to the shores of America, where he has been happy in finding his place in the general scheme of our national life. We congratulate him!

President's Report to The Tampa Convention

(Continued from Page Twenty-four of the Special Supplement)

which treat with the finances of our organization," etc.

The laws regulating rights and obligations of members should, if possible, never result in a discrimination between them. Of course, in laws which regulate such a multitude of conditions as develop in our profession, it is often difficult to avoid apparent inconsistencies. However, as soon as discovered, same should be corrected.

It appears that Section 13, D, E, F, G, H of Article XIII, which regulates the conditions under which members of traveling orchestras must become full members of a local, present such an example.

Section 13-E specifies that after nine months a local must accept them as members and that thereafter they are entitled to all rights of local members except as otherwise provided in Section 13-F.

Section 13-F provides in effect that if a traveling engagement which is played by members at the time they become full members of the local has not terminated that then during the continuation of the engagement they are not entitled to the rights of local members even though they have become members of the local.

Section 13-G provides that if members of an orchestra have joined a local, which of course they cannot do until the expiration of nine months unless the local so agrees, then they may return to the local jurisdiction after three months to play the same permanent engagement that they theretofore played, but may do so as local members. This creates the circumstance that members of a traveling orchestra who may become members of the local after nine months if leaving the jurisdiction for three months may return to the same engagement to play same under local conditions, whereas members who continue to remain in the jurisdiction have no such local rights.

This is clearly a discrimination between rights of members. However, in connection with the matter, I would suggest that you take under advice whether a limit should not be set how long a traveling orchestra should be considered to be such after the members thereof have become full members of a local.

Of course, traveling orchestras enter the jurisdiction of a local with an engagement assured them and therefore its members are in a more advantageous position than individual members who do not do so, and so they should not, after six months, become entitled to the same rights and privileges as other transfer members. However, forever holding them to be traveling musicians no matter how long they may remain in the jurisdiction of a local and after being forced by the law of the Federation to become full members thereof, appears to be too stringent a rule. For this reason, I would suggest that you take under advice whether a law as follows would not be more equitable, to wit:

"Members of a traveling orchestra must become full members of a local after the expiration of nine months, but if they continue to play a traveling engagement in the same jurisdiction for a period of twelve months or more, they shall not be entitled to local rights and privileges until after the expiration of these twelve months."

All other provisions in Section 13, E, F, G, H of Article XIII, if not in contradiction with this new rule, to remain as at present.

Manufacturers follow a policy of speeding system and crowd as many numbers on programs into a short space of time as they possibly can, therefore services for phonograph and electrical transcriptions are in need of being regulated. The number of such recordings made per hour under the present system is entirely too

high. Therefore, I suggest the following changes:

Change the caption of Article XVI, page 161,

PHONOGRAPH

to read

PHONOGRAPH AND ELECTRICAL TRANSCRIPTIONS

Then change the price under this caption, beginning with the eighth line thereof, to read in lieu of the present law:

PHONOGRAPH

One session, not to exceed 2 consecutive hours of 40 minutes playing time in each hour..... \$24.00
Each additional playing time per half hour or fraction thereof..... 6.00
Leader to receive double price.

ELECTRICAL TRANSCRIPTIONS

For each 15-minute program..... \$18.00
For each half-hour program..... 24.00
Overtime in all instances for each five minutes or less..... 6.50

If electrical transcriptions are made for scripts or similar dramatic episodes or for anything in which music and dialogue alternate, then the musicians can only render services if the script is recorded in its entirety.

These rules apply for music recording services for general distribution and for commercial purposes.

They do not apply to recordings made for local and non-commercial purposes. They do not apply to auditions. All such services come under local autonomy.

Conclusion

Our organization is built upon a principle of democracy. It is not superimposed upon locals and members but is the result of their own creation and of course developed from sheer necessity in an effort to advance the economic interests of its members.

More than 80 years ago the first local union of musicians was formed in our country. It brought musicians nearer together in their quest for protection of their interests. In the course of 40 years, or more, the example to organize was followed by musicians in four score or more cities. The first successful efforts to appreciably improve the conditions of members were made from the time on that the American Federation of Labor became organized and Central Labor Unions were established in various cities. Many of the local unions of musicians joined such Central Labor Unions and thereby became indirectly affiliated with the American Federation of Labor. They were more successful in maintaining wage conditions and regulating the conditions in the profession than others which failed to join their Central Labor Unions.

Finally efforts to form a national organization were made and resulted in the forming of an international union, known as the National League of Musicians, but, as it held aloof from the American Federation of Labor, it proved ineffective to really advance the interests of the musicians. The locals which comprised it were divided in their opinions concerning the economic policy to be followed by the League. In this organization, part of the membership believed in the principles of the American Federation of Labor, whereas, others, in the advancement of their interests, namely, that all organized wage-workers should make common efforts, were of the opinion that as musicians we occupied an exempt position, as we were active in the field of art, therefore sufficient unto ourselves to take care of our own interests without the necessity to make common cause or follow the policies of organized labor. How sadly mistaken they were, subsequent developments proved. This national organization finally fell by the wayside and the American Federation of Musicians was formed.

At the time of its formation in 1897, the pioneers of the organization little dreamt of the magnitude to which it would finally develop and the value it proved to be to the general membership.

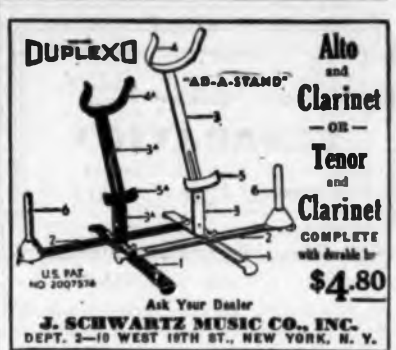
The Federation did not, in the beginning at least, organize local unions. They organized themselves and thereafter formed the Federation. The agitation that they should become part of the American Federation of Labor began in Milwaukee, Wis., during a convention by the League and was so begun under the leadership of Owen Miller, the lamented ex-Secretary of our Federation. He was assisted in this by several young delegates, one of the leaders among whom was the present President of our Federation. The Federation was formed a few years thereafter. Its success did not begin immediately. It became necessary to liberalize its laws which had been taken over in the main from the League. The Federation did not immediately expand in membership. This was the result of the erroneous policy which it had inherited from its forerunner, the National League, namely, that musicians should, as much as possible, be kept in their home jurisdiction. This led to the circumstance that we had a national organization, but members only had local rights. The result was that those who held aloof from the Federation were so numerous that its success was largely prevented. However, as soon as it was realized that musicians could not be confined to their own jurisdiction, and the present transfer system of the Federation was devised, as well as in other ways the laws of the organization became liberalized, it began to conform to realities, the Federation developed with leaps and bounds and the membership finally reached 140,000 or more.

Only with the full organizing of the musicians could progress be made in the advancement of their economic interests. This can be clearly seen when considering that as long as the musicians from one city or town were in uncontrolled competition with those of other cities and towns, local unions could never be successful. Therefore, the necessity for a national organization in order to regulate this was soon realized by local unions.

These observations are merely made to emphasize, first, that the musicians became organized for economic reasons; second, that they had to make common cause with organized labor to be successful; third, that they had to realize that working opportunities must be regulated, but that such regulation would not lead to discrimination among workers; fourth, that a national organization was necessary to make attempts for economic and social progress of musicians effective.

It is clear that the success of the Federation depends upon the proper activities of its local unions and that it itself is merely a necessary result to make such activities beneficial to all members. To make local unions effective, the members of every local who visit the jurisdiction of another must not transgress against the rules of such other local as long as they do not transgress against the rules of the Federation, which said rules reflect the will of all locals as expressed by them through a Convention. By all the foregoing, it will be seen that the Federation has its roots in the very democracy of its local unions. So it must be and so it must forever remain.

Our Convention, which is nothing but a Congress in which the delegates exercise the power delegated to them by their respective unions to legislate nationally, is the clearing house of opinions and suggested policies and of all attempts to continue in a constructive and progressive manner to further advance the interests of the membership at large. The delegates thereto represent the locals from all parts of the United States and Canada, and their activities are in a direction to reconcile the different interests of members in such a manner as to find a formula, rule or law which conforms as much as humanely possible to the interests of all. The opinions of delegates represent a cross section of the opinions of our entire organization, and upon them as well as upon realities which continually develop in our field of employment and which often are beyond our control



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but must nevertheless be recognized the laws and rules of our organization are based.

It is true that leadership was necessary in all the different phases of the development of our organization, but this leadership itself was developed from within the ranks of the membership and as the result of its aspirations and desires to better its economic condition. It was not self-made or self-appointed, the possibility of which is always a sign of the weakness of any organization of any kind. Of our Federation, it can indeed be truthfully said that the army made its generals and not the generals the army. This has forever been recognized by the pioneers of our movement as well as those who are selected now to lead us. They consider themselves mere servants of their organization, and nothing else. Of conventions it may be truly said that no matter how heatedly the discussion of a question may become, the eventual solving of same by vote always has, and I am sure always will, prove to be highly beneficial attempts to guard the interests of our members.

Delegates to conventions are generally leaders who went through the school of local experience and thus reflect the activities of the locals and it is this experience which proves valuable at conventions in the attempted solving of the various and many complexities and problems which the nature of our profession continually presents.

One can permit himself the opinion without any fear that the following cannot be successfully challenged:

There is no other trade in which the employment conditions are so complex as in that of the musicians. There is no other trade in which an organization is harder to maintain than in that of the musicians. There is no trade where the employment opportunities of the men and women following same are so much dependent on the public by reason of its continuous changing mood in reference to what particular amusement or diversion it prefers, and there is no trade in which an organization has undergone so many serious vicissitudes as the organization of musicians, and yet we may rightfully say that we have made the best of it all, and that there is no other trade which can boast a stronger, better organized, more constructive organization than that which we musicians possess in the American Federation of Musicians.

The entire membership, whose activities are reflected in their local unions and through their delegates to conventions in the American Federation of Musicians, are chiefly responsible for this, and that it may forever remain so is the principle prerequisite for the continued successful and constructive maintenance of our organization.

Respectfully submitted,

JOSEPH N. WEBER,
President, A. F. of M.

Here, There and Everywhere

(Continued from Page Eleven)

provided an excellent program of entertainment for the delegates. On Saturday evening a social session was held in the Log Cabin Room of the Androy Hotel. On Sunday a banquet was served at noon, during which a concert was given by the Superior Concert Band, the Superior Male Chorus and Roland Everton, organist. At 7:00 P. M., following adjournment, a Dutch lunch with refreshments was served to the delegates in the Flitz Cafe. Following a floor show given by the Helen Mack Revue, the delegates danced to the music of Tommy Fox and his orchestra.

The fall Conference will be held in Milwaukee, Wis., the first Saturday in October.

JAMES T. HARRIS

James T. Harris, for more than 20 years Secretary of Local 120, Scranton, Pa., Vice-President of the Pennsylvania and Delaware Conference of Musicians and delegate to National Conventions for many years past, died suddenly of pneumonia on May 16.

Brother Harris was born in England. His parents moved to Jermy, Pa., when he was but a small child, and he resided there until locating in Scranton.

He was one of the best-known trombone players in the East and was a member of the Allan Lawrence Band and Orchestra for the last forty-three years. He was also well known as a theatre musician, having played with the orchestra in the Poli Theatre, Scranton, for seventeen years.

ALLAN H. ROSS

Allan H. Ross of Leith, Ont., Canada, died on April 9 from a heart attack suffered during illness from bronchitis. Brother Ross, until the time of his retirement, was a railroad shop machinist and was a member of the International Association of Machinists as well as the American Federation of Musicians. He attended a number of conventions of the Federation as delegate from Cheyenne, Wyo., and Sault Ste Marie, Ont.

AUGUST L. FOURTNER

August L. Fournier, Assistant District Attorney of the city of San Francisco, died suddenly in that city on May 17. Details are lacking at the time of this writing.

Brother Fournier had been a member of Local 6, San Francisco, for many years and was a delegate from that Local to the 25th annual Convention in Pittsburgh, Pa., in 1920.

JOHN CLEGG

John Clegg, member of Local 198, A. F. of M., Providence, R. I., died May 5, 1938. He was admitted to membership in the Providence Local in 1903, served as a member of the Board of Directors of the Local, and was made a life member thereof in 1931. He was the close friend of practically every member of Local 198 and was always a source of comfort, assistance and sound advice to any brother who sought his aid. His memory will long remain alive, particularly with the older members of Local 198 who were intimately associated with him in their earlier days. A delegation, headed by President Vincent Castronovo and A. F. of M. State Officer William Gamble, represented Local 198 at the funeral, which took place May 8, 1938.

Famous Conductors and Bandmasters

By Henry Woelber

ARTHUR PRYOR

Arthur Pryor, the world's greatest trombone soloist, and afterwards one of America's own leading bandmasters, was born September 22, 1870, in St. Joseph, Missouri, the land of the waving corn and in the very heart of the mid-west farming section. To Mr. and Mrs. Samuel D. Pryor were born three sons who were destined to make names for themselves in band history. The boys were named Arthur, Sam and Walter. The parents were Missouri pioneers who fought many a battle to save their homes against the Indians. The father organized the original Pryor band in 1869.

Young Arthur studied piano with Prof. Plato in St. Joe, and violin and cornet with his father, starting at the age of six. In 1881, Arthur, now playing a valve trombone in addition to the other instruments, made his first appearance in Chicago as the boy wonder when only 11 years old. At 16, he took up the slide trombone, and in 1893, at the Chicago Exposition, played his first solo with the Sousa Band. There surely is magic in a name, or a syllable. "Pry, to raise, or attempt to raise." Pryor (easily spelled Pryor), "pre-eminent." In these quotations, first, Arthur Pryor did raise the art of trombone playing; in fact, he revolutionized it. Second, Arthur Pryor is pre-eminent. The poet, Plato, and Ralph Waldo Emerson, did more than any other agency for the advancement of human thought. Who knows how much the name of Plato might have done for Arthur Pryor's musical thought?

St. Joe never had a slide trombone until a tramp printer blew into town with a battered old horn, which he left with Arthur's father for a debt. The son was told by his parent to "get out into the barn and learn to play it." This the boy did with no instructor. After two years he learned that oil should be used on the slides. A year later a champion pool player gave an exhibition in St. Joe, and casually told Arthur there were seven positions on the trombone. Up till then Arthur, being so small, used only the first and second positions. He soon found the other five, and the universe knows the rest.

He played all the county fairs in his part of the country, and soon attracted the attention of Liberati, noted cornet soloist of that period, joining his band at Kansas City in 1888, remaining until 1890. Pryor, then just 20 years of age, was engaged for the Gilmore Band, but accepted the conductorship of the Stanley Opera Company, going to Denver. This company was headed by Alice Nielson, soprano, and at this time Pryor learned that the piano was a convenient and useful instrument, which paved the way for future accomplishments. Thomas Shannon, who left the Gilmore Band to join Sousa, told the latter about "the wizard of the trombone." As a result Pryor arrived in New York with 35 cents in his pocket, and that night slept on a bench in Union Square. The next morning at a rehearsal of the Sousa Band, he electrified and astonished those veteran bandmen by his virtuosity and complete mastery of the trombone. In his pedal tones he "fired the shot heard around the world." He at once became Sousa's premier soloist, and in later years his assistant conductor; and so through Pryor's younger days he was constantly preparing himself to be conductor of his own band. From 1892 to 1903, with but very little assistance, he played first trombone with the wonderful Sousa Band. During that time he made three world tours, visiting sixteen countries, and played solos at command concerts before the King of England, in London, and the Czar of Russia in St. Petersburg. Before the first concert of Pryor's Band, November 15, 1903, at the Majestic Theatre in New York, he had played over 10,000 trombone solos with Sousa. For what might properly be called continuity of semi-permanent engagements Pryor's Band has a record as follows: Twenty summer seasons at Asbury Park, N. J.; nine winter seasons at Miami, Florida; ten spring seasons at Willow Grove, Philadelphia; five summer seasons at Luna Park, New York, and several seasons at the Steel Pier, Atlantic City. His band also played several times at the Pittsburgh Exposition; the State Fair at Syracuse, N. Y.; Electric Park at Kansas City; Delmar Gardens at St. Louis; the Ball Park, St. Joseph, Mo.; the Rochester, N. Y., Exposition, and Riverview Park, Chicago.

For thirty-one years he was the organizer and director of various bands and orchestras making Victor records. He played "Celesta Aida" for a trombone record as well as Caruso sang it himself. In 1895 Mr. Pryor married Miss Maud

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Russel, of Salt Lake City. They have two fine sons who have distinguished themselves in music and the stage. Arthur, Jr., has been highly complimented by his fellow musicians for his ability as assistant conductor of his father's band, and Roger is a far-famed matinee idol in such Broadway successes as "Blessed Event," "Apron Strings," "Front Page," and "There's Always Juliet." The imaginative and romantic minded orchestra musicians seeing this young man on the stage are proud of the fact that he is the son of one of our most distinguished members. Mrs. Pryor allows Arthur two hooks in the closet, and a drawer in the dresser, for his band uniform.

Arthur Pryor's worldly contacts are many. He is a 32nd degree Mason, a Shriner, a member of The Associated Musicians of New York, Local 802, an honorary member of the Elks, Rotary International, New Jersey State Policemen's Benevolent Association, and the New Jersey State Association of Chiefs of Police.

Pryor's Band engagements on the radio are numerous: General Motors, 13 weeks; General Electric, 26 weeks; Goodyear Tire, 20 weeks; Cremo Cigar, 33 weeks; Schradertown Band, 51 weeks; and Orange American Gas Co., 13 weeks.

While visiting his home town, there was a knock on his door at 3 A. M. Answering, he saw a sailor, slightly under the weather. The sailor asked: "Does Mr. Pryor, the noted trombone soloist, live here?" Pryor said yes, and the sailor continued: "I've always wanted to shake hands with you, because you are one of the three things that made St. Joe famous." Pryor replied: "You honor me greatly, but tell me, what are the other two?" The sailor's answer was: "Jesse James and Aunt Jemima's pancakes." Most people in going to St. Joe at once look up the home of the desperado, Jesse James. The first thing the writer did when he arrived in St. Joe with a \$10 per week show was to look up the home of Arthur Pryor.

Once we had in this country an art, a profession, a band, which really was an industry. Those were the days of the much-talked-of gay '90s. A suitable substitute has not as yet been found.

Music is older than man, because the Bible states "that the stars sang together the morning of creation." Even the great flood did not banish music from the earth, for Levi's tribe of 38,000 had 4,000 musicians divided into twenty-four bands. In the modern materialistic world of today, America has had several of the finest bands, Pryor's being one of the best known.

Missouri, the centre of the great corn-belt region, is also the home of the heavy, clumsy plow horse. A mere accident of birth placed Arthur Pryor in that State, when, by all laws of averages, he should have been born in Kentucky, where the fast thoroughbreds grace the Blue Grass State. When Charles Paddock broke the 100-yard dash record in 9 2/5 seconds, he was called the fastest human. When Pryor played a solo in Boyd's Theatre, Omaha, Neb., with the Sousa Band, a critic said his impeccable execution on the trombone set the prairies afire; his vibrating pedal tones rattled the windows of the theatre, killed the gold fishes and stunned the canaries all the way out to



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the packing plant, where even the iron gates trembled.

If two bulbs are placed in a dark cellar for the winter, one, with no attention, whatsoever, will grow into an onion; the other, if placed in the approaching spring sun, given a little water, and carefully nourished, may grow into a beautiful Madonna lily. This is exactly what happened to Arthur Pryor in his trombone playing. After hearing him play his own "Air Varie," "Annie Laurie," "The Blue Bells of Scotland," variations of marvelous execution, who can ever forget the golden tones, or silver flute-like tones of his little encore numbers such as "Au Revoir," or "Ben Bolt"? Pryor's musicianship represented all the flowers in the greenhouse. Hans Andersen tells us the ugly duckling has the broad bill, a fat, wide, squatty head, and short legs, but the swan has the graceful, arched, neck and flexible bill. Pryor had the flexible embouchure, and in the rendition of his "Thoughts of Love" and "Love's Enchantment," the innermost part of Arthur Pryor's fine sensibilities and human pathos came to light. Pryor's brain is stuffed with music; his heart with friendships. Victor Hugo says: "Certain thoughts are prayers. There are moments when, whatever be the attitude, of the body, the soul is on its knees." The marvelous technique of Pryor spoiled many a pseudo trombone soloist, including the writer, because we now know that imitation is destructive, even though "imitation is the sincerest flattery."

A nurse saved the life of Thomas Hardy when the doctor attending the mother said the child was dead. He was purple, breathless. The nurse slapped him on the back and swung him by the heels, until she saw the spark of life. The world should build a monument to that mother for the literary genius she gave to posterity. When that celebrated artist of the oboe, Georges Longy, came to the Boston Symphony Orchestra, he brought a tonal quality which infected all the reed instruments, and even permeated into the brasses. Bandmen should build a monument to the memory of Arthur Pryor's mother in acknowledgment of what her son tried to teach in the way of beautiful tones from a brass instrument. His talents are as many sided as a prism.

The greatest picture is not painted, the greatest play is not written, the greatest poem is unsung, the greatest tonic, Caruso, is dead, but one thing is certain, the greatest trombone solo has been played by—ARTHUR PRYOR.

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SUSPENSIONS, EXPULSIONS, REINSTATEMENTS

SUSPENSIONS

Athens, Ga., Local No. 601—Anthony P. Capp, Theo. P. Clegg, C. L. Daugherty, Jake DeLo, Art DeLo, Adolph D'Almeida, Clarence Edwards, Ernest Franch...

EXPULSIONS

Chicago, Ill., Local No. 208—Jan. Jimmy Johnson, Arthur Johnson, Dennis J. Lenz, Matthew Anstett, Julius...

REINSTATEMENTS

Antigo, Wis., Local No. 638—Garlan (Doc) Tice, Bakerville, Calif., Local No. 283—Earl Shaw, Jr., Baltimore, Md., Local No. 40—R. Carlton Shedd, Carl...

MacArthur, E. Mazzanti, Harry O'Grady, George S. Palmer, Oswald Roberts, Harry Ross, W. J. Summersville, Roland Todd, Maurice Turk, George Uphall, Mrs. Wisn...

Local Reports

LOCAL NO. 1, CINCINNATI, OHIO
New members: Richard Donohoe, Jane Darius Kingsbury, Robert F. Schulker, George Eimer Westlund...

LOCAL NO. 2, ST. LOUIS, MO.
New members: Mrs. Laura Foley, Ray Gable, Mrs. Ida Kluegel, Ray W. Lammlein, Mrs. Esther Marshall, Mrs. Meola McCormick, Miss Lucia Pamela, Allen Rose, Mrs. Mable Shumaker, Oliver Strubhart, Roland Wilcox, Bruce...

SUBSIDIARY LOCAL, LOCAL NO. 2, ST. LOUIS, MO.
New member: Miss Marie Bolser.
Transfer member: William Hadnot, 627.

LOCAL NO. 3, INDIANAPOLIS, IND.
New members: Robert G. Pratt, Ronald S. Clair Williams, James Theo. Hill, Myrtle Tilton, Max Dunbar, Frank Hurley, E. S. S. Thurston, John Cates, Wm. H. Durso, Genevieve Griffee, Wm. Moore, Florence Isor...

LOCAL NO. 4, DETROIT, MICH.
New members: Walter E. Dieter, Leonard A. Cullter, Henry Hurdinski, Morris Hocher, Sylvia Hocher, Edwin Glatney Heed, Janice Laper, Oscar Laper...

LOCAL NO. 5, SAN FRANCISCO, CALIF.
New members: Don Schroeder, Lois Fealy, Bob Anderson, Angelo L. Guinasso, Lawrence F. Ramano, Godfrey...

LOCAL NO. 6, MILWAUKEE, WIS.
New members: Harold Banhofer, Edward W. Frank, John Dreesen, Dolores E. Greenleaf, John Kuehler, Emil...

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Don, 47; Walter Brown, 16; Robert Byrne, 47; Clarence ...

SOUTH NORWALK: Weld, Miss Lodice M. STAMFORD: Vuono Operating Co. ...

ROCK ISLAND: Beauvette Night Club. SOUTH BELOIT: Ambassador Tavern. INDIANA: Evansville: Green Lantern Ballroom. ...

LOUISIANA: ABBEVILLE: Roy's Club, Roy LeBlanc, Manager. MONROE: City High School Auditorium. ...

UNFAIR LIST OF THE AMERICAN FEDERATION OF MUSICIANS

BANDS ON THE UNFAIR LIST

American Legion Band, Oconomowoc, Wis. Barrington Band, Camden, N. J. Bristol Military Band, Bristol, Conn. ...

Winnipeg Beach, Winnipeg, Man., Canada.

Winnipeg Beach, Winnipeg, Man., Canada. Winter Gardens, St. Mary's, Ont., Canada. Yosemite National Park, Yosemite Valley and Camp Curry Company.

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This list is alphabetically arranged in States, Canada and Miscellaneous

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ORCHESTRAS

Banks, Toug, and His Evening Stars Orchestra, Plainfield, N. J. Berkes, Bela, and His Royal Hungarian Gypsy Orchestra, New York, N. Y. ...

ALABAMA

BIRMINGHAM: Sellers, Stan. GADSDEN: Gadsden High School Auditorium. MOBILE: Murphy High School Auditorium. ...

FLORIDA

JACKSONVILLE: Embassy Club, Florida Roof Garden, Seliera, Stan. Seminole Hotel, Show Boat, Windsor Hotel. LAKE WORTH: Lake Worth Casino, J. H. Elliott, Manager. ...

INDIANA

EVANSVILLE: Green Lantern Ballroom, Joe Beltman, Manager. FORT WAYNE: Fisher, Ralph L., Paxton, H. H., Promoter. GARY: Martin, Joseph, Ross & Co., Theodore, The De Luxe Social Club, Young Women's Christian Association. ...

LOUISIANA

ABBEVILLE: Roy's Club, Roy LeBlanc, Manager. MONROE: City High School Auditorium, Neville High School Auditorium, Ouchita Parish High School Auditorium, Ouchita Parish Junior College. ...

BOANOCHE:
 Mt. Mountain Ballroom,
 A. R. Borrer, Manager.
Morris, Robert F., Manager.
Radio Artists' Service.
 Wilson, Sol., Mgr., Royal
 Casino.

BOOTH WASHINGTON:
 Riviera Club.

VIRGINIA BEACH:
 Gardner Hotel.
 Links Club.
 Ross, J. E.
 Village Barn.

WASHINGTON

ELLENBURG:
 B. P. O. E. No. 1102.

LONGVIEW:
 Longview - Kelso Rodeo
 Assn.

SEATTLE:
 Meany Hall.
 West States Circus.
 Wong, Kinex.

SPokane:
 Davenport Hotel.

WEST VIRGINIA

BLUEFIELD:
 Florence, C. A.
 Renaissance Club.
 Walker, C. A.

CHARLESTON:
 Brandon, William
 Embassy Inn, E. E. Saund-
 ers, Manager.
 Fonteneau, Roy.
 White, R. L., Capitol Book-
 ing Agency.

CLARKSBURG:
 Leffridge, Lefty.

FAIRMONT:
 Carpenter, Samuel H.

MUNTINGTON:
 Epperson, Tiny, and Hew-
 ett, Tiny, Promoters.
 Marathon Dances.
 Hinchman, Homer.

WINDSOR:
 Hartman, Donald K.

NEEDSVILLE:
 Lamb, William E., Pro-
 prietor of Indian Rocks.

STANFORD:
 James, Plud.

WILLIAMSON:
 Albert, Irving.

WISCONSIN

ANTHONY:
 Langlade County Fair
 Grounds & Fair Associa-
 tion.

APPLETON:
 Apple Creek Dance Hall.
 Sheldon Stammer, Mgr.
 Kinselmann, E.
 Mackville Tavern Hall, Wil-
 liam Bogaca, Manager.

SARASOTA:
 Dunham, Paul L.

DELOIT:
 Illinois Tavern, Tom Ford,
 Proprietor.

GLENN:
 Pines Pavilion.

CRANDON:
 Natsel, Robert, Manager,
 Terrace Gardens.

OSTER:
 Bronk, Karl.
 Glodose, Arnold.

SAU CLAIRE:
 Club Arabia, Doc. Wilson,
 Manager.

WURLEY:
 Francis, James, Pelham
 Club.

JUNEAU:
 Triangle Inn Dance Hall,
 Peter Kirchhofer, Prop.

KENOSHA:
 Emerald Tavern.
 Grand Ridge Tavern.
 Prince Tavern.
 Shangri-La Nite Club.

LA CROSSE:
 Hagemo, Ingvald.
 McCarthy, A. J.
 Mueller, Otto.

LEPOLL:
 Brackub, Dick.

WADSWORTH:
 Beacon Hall.

MANITOWOC:
 Selts, Harold, Mgr., The
 Keg.
 Torny, Frank.

MAPLEWOOD:
 Reine, F.

MERRILL:
 Battery "F," 130th Field
 Artillery.

MILWAUKEE:
 Caldwell, James.
 Cubie, Iva.
 Thomas, James.

NY CALVARY:
 Eljack, Steve.

OSCONOCO:
 Jones, Bill, Silver Lake
 Resort.

POTOSI:
 Stoll's Garage.
 Turner's Bowery.

PRAIRIE DU CHIEN:
 Birchwood Pavilion, C. C.
 Noggle, Proprietor.

NEEDSVILLE:
 Bubols Grove and Hall,
 Robert Bubols, Prop.

SHINELAND:
 Mercedes, Joe, Heart o'
 Lakes.

ROTHSCHILD:
 Rhyner/Lawrence.

SEBASTIAN:
 Kohler Recreation Hall,
 Sebogan County Fair.

SLINGER:
 Bus, Andy, alias Buge,
 Andy.

SPLIT ROCK:
 Fabitz, Joe, Manager, Split
 Rock Ballroom.

STRATFORD:
 Kraus, L. A., Manager,
 Rosellville Dance Hall.

STURGEON BAY:
 DePoe, F. G.

SUNNYSIDE:
 Waud, John, Lead o' Lakes
 Tavern.

SUPERIOR:
 Willett, John.

TIGERTON:
 Michelske, Ed., Manager,
 Tigerton Della Resort.

VALDEB:
 Pigeon Lake Resort, Joseph
 Mallman, Proprietor.

WAUSAU:
 Vogl, Charles.

WITTENBERG:
 Dorahner, Lea, Manager,
 Shepley Pavillon.

WRIGHTSTOWN:
 Wrightstown Auditorium
 Co., Ely Krautgramer,
 Manager.

WYOMING

CASPER:
 Oasis Club, The, A. E.
 Schmitt, Manager.
 Whinnery, C. I., Booking
 Agent.

CHEYENNE:
 Wyoming Consistory.

DISTRICT OF COLUMBIA

WASHINGTON:
 All States Democratic Club.
 Ambassador Hotel.
 Canning, T. W.
 Club Havana, Guy T. Scott,
 Proprietor.
 Columbian Musicians Guild,
 W. M. Lynch, Manager.
 Constitution Hall.
 D. A. R. Building.
 Faerber, Matthew J.
 Hayden, Phil.
 Hi-Hat Club.
 Hule, Lim, Manager, La
 Patee Restaurant.
 Coconut Grove.
 Hurwitz, L., Manager, The
 Kavakos Cafe, Wm. Kava-
 kos, Manager.
 Kipnis, Benjamin, Booker.
 Manchel, Lee.
 Wardman Park Hotel.

CANADA

ALBERTA

CALGARY:
 Dowley, C. L.

BRITISH COLUMBIA

VICTORIA:
 Shrine Temple.

ONTARIO

HAMILTON:
 Walsh, T. S., Owner of the
 Terrace Gardens.

LONDON:
 Cooley, Sam A.
 Palm Grove.

OTTAWA:
 Fairmont Country Club.
 Finlayson, Lieut. W. B.
 Lido Club.

PETERBOROUGH:
 Collegiate Auditorium,
 Peterborough Exhibition.

BARRIA:
 Blue Water Inn, William
 Richardson, Manager.

TORONTO:
 Andrews, J. Brock,
 Central Toronto Liberal
 Social Club.
 Cockerill, W. H.
 Eden, Leonard.
 Eisen, Murray.
 Legge, C. Franklin, and
 Legge Organ Co.
 O'Byrne, Margaret.
 Savaris Hotel.
 Silver Slipper Dance Hall.
 Toronto Opera Club, Mrs.
 Maria Urban, Manager.

QUEBEC

MONTREAL:
 American Grill.
 Beauchamp, Gerard.
 Ches Maurice.
 Johnson, Lucian.
 Wynness, Howard.

SHENBROOK:
 Eastern Township Agricul-
 ture Association.

MISCELLANEOUS

American Negro Ballet.
 Barton, George, Manager,
 Shufflin Sam from Alabam
 Company.
 Bowley, Ray.
 Brau, Dr. Max, Wagnerian
 Opera Co.
 Carr, June, and Her Parisi-
 anne Creations.
 Clapp, Bonny.
 Collins, Bert, Theatrical Pro-
 moter.
 Daniela, Bebe.
 Del Monte, J. P.
 Doien & Bongor, Theatrical
 Promoters.
 Edmonds, E. E., and His En-
 terprises.
 Ellis, Robert W., Dance Pro-
 moter.
 Evening in Paris Co.
 Fleeta Company, George H.
 Boles, Manager.
 Fox, Sam, Marathon Pro-
 moter.
 Freeman, Harry Z., Manager,
 "14 Bricktop."
 Gabel, Al. J., Booking Agent.
 Ginsburg, Max, Theatrical
 Promoter.
 Gonia, George F.
 Hanover, M. L., Promoter.
 Helm, Harry, Promoter.
 Helney, Robt., Trebor Amuse-
 ment Co.
 Hochwald, Arthur, Promoter.
 Hot Cha Revue (known as
 Moonlight Revue), Prather
 & Maley, Owners.
 Hoxie Circus, Jack.
 International Walkathon Co.
 Jassmania Co., 1934.
 Kane, Lew, Theatrical Pro-
 moter.
 Kessler, Sam, Promoter.
 Kinsey Players Co. (Kinsey
 Comedy Co.).
 Kipp, Roy.
 Leaky, Andre, Owner and
 Manager, Andre Leaky's
 French Revue.
 Lawson, B. M., Promoter.
 Leslie, Lew, Theatrical Pro-
 moter.
 Lester, Ann.
 Lockwood, L. S., Promoter.
 London Intimate Opera Co.
 Mack, Charlie, Manager, Chat-
 terbox & Cavalcade of Lafe
 Units.

McConkey, Mack, Booker.
McFryer, William, Promoter.
McKay, Gail B., Promoter.
McKinley, N. M.
Macloon, Louis O., Theatrical
Promoter.
Marcan, Joe, Manager, "Sur-
prise Party" Co.
Mark Twain Production Co.
Mecher, James W.
Mildred and Maurice, Vaude-
villes Performers.
Miller's Rodeo.
Nash, L. J.
National Speedathon Co., N.
K. Antrim, Manager.
Neale Helvey Co.
Norse, Miss, Vaudeville Per-
former.
O'Hanrahan, William.
O'Leske, Clifford, Promoter.
Perrin, Adrian, Theatrical
Promoter.
Ratoff, Gregory, Theatrical
Promoter.
Rudnick, Max, Burlesque Pro-
moter.
Santoro, William, Steamship
Booker.
Scottish Musical Players
(traveling).
Steamship Lines:
Albany Day Line.
American Export Line.
Savannah Line.
Sunderlin, Art, Manager, Pro-
motor.
Thomas, Gene.
Walkathon, "Moon" Mullins,
Proprietor.
Welesch Finn and Jack
Schenck, Theatrical Pro-
moter.
Wheelock, J. Riley, Promoter.
Wise and Weingarden, Man-
agers, "Mixed Nuts" Co.
Yokel, Alex, Theatrical Pro-
moter.
"Zorine and Her Nudists."

THEATRES AND PICTURE
HOUSES
 Arranged alphabetically as to
 States and Canada

ARIZONA

YUMA:
 Lyric Theatre.
 Yuma Theatre.

ARKANSAS

HOT SPRINGS:
 Best Theatre.
 Paramount Theatre.
 Princess Theatre.
 Spa Theatre.
 State Theatre.

PARIS:
 Wiggins Theatre.

CALIFORNIA

BRAWLEY:
 Brawley Theatre.

CARMEL:
 Filmart Theatre.

CRONA:
 Crona Theatre.

DIBUNA:
 Strand Theatre.

EUREKA:
 Liberty Theatre.
 Rialto Theatre.
 State Theatre.

FERRDALE:
 State Theatre.

FORT BRASS:
 State Theatre.

FORTUNA:
 State Theatre.

GILROY:
 Strand Theatre.

HOLLYWOOD:
 Andy Wright Attraction Co.

LONG BEACH:
 Strand Theatre.

LOS ANGELES:
 Ambassador Theatre.
 Burbank Theatre.
 Follies Theatre.
 Frolies Theatre, J. V.
 (Pete) Frank and Roy
 Dalton, Operators.
 Million Dollar Theatre.
 Harry Popkin, Operator.

LOVELAND:
 Rialto Theatre.

MARVILLE:
 Liberty Theatre.
 State Theatre.

MODESTO:
 Lyric Theatre.
 Princess Theatre.
 State Theatre.
 Strand Theatre.

OKLAND:
 Follies Theatre.
 Lincoln Theatre.

UKIAH:
 State Theatre.

VUBA CITY:
 Smith's Theatre.

COLORADO

COLORADO SPRINGS:
 Liberty Theatre.
 Tompkins Theatre.

GREELEY:
 Chief Theatre.
 Kiva Theatre.

CONNECTICUT

BRISEPORT:
 Park Theatre.

DARLEN:
 Darlen Theatre.

HARTFORD:
 Crown Theatre.
 Liberty Theatre.

MYSTIC:
 Strand Theatre.

NEW BRITAIN:
 Rialto Theatre.

NEW CANAAN:
 Play House.

NEW HAVEN:
 Bijou Theatre.
 College Theatre.
 Palace Theatre.
 White Way Theatre.

SOUTH NORWALK:
 Theatre in the Woods,
 Greek Evans, Promoter.

TAFTVILLE:
 Hillcrest Theatre.

WESTPORT:
 Fine Arts Theatre.

WINDSOR:
 Strand Theatre.

DELAWARE

MIDDLETOWN:
 Everett Theatre.

FLORIDA

HOLLYWOOD:
 Florida Theatre.
 Hollywood Theatre.
 Ritz Theatre.

MIAMI:
 Temple Theatre.

WINTER HAVEN:
 Grand Theatre.

IDAHO

BLACKFOOT:
 Mission Theatre.
 Nuart Theatre.

IDAHO FALLS:
 Gayety Theatre.
 Rio Theatre.

REXBURG:
 Elk Theatre.
 Romance Theatre.

ST. ANTHONY:
 Rialto Theatre.
 Roxy Theatre.

ILLINOIS

CARLINVILLE:
 Marvel Theatre.

EAST ST. LOUIS:
 Avenue Theatre.

PREPOT:
 Winnahick Players Thea-
 tre.

GENEVA:
 Fargo Theatre.

JACKSONVILLE:
 Fox Illinois Theatre

LINCOLN:
 Grand Theatre.
 Lincoln Theatre.

ROCK ISLAND:
 Riviera Theatre.

INDIANA

GOSHEN:
 Lincoln Theatre.
 New Circle Theatre.

INDIANAPOLIS:
 Civic Theatre.
 Mutual Theatre.

NEW ALBANY:
 Grand Picture House.
 Karrison House.

TERRE HAUTE:
 Rex Theatre.

VINCENNES:
 Moon Theatre.
 Rialto Theatre.

IOWA

COUNCIL BLUFFS:
 Liberty Theatre.
 Strand Theatre.

DUBUQUE:
 Spensley-Orpheum Theatre.

MARSHALLTOWN:
 Family Theatre.

SIOUX CITY:
 Self Theatre Interests.

STATE CENTER:
 Sun Theatre.

WASHINGTON:
 Graham Theatre.

KANSAS

EL DORADO:
 Eric Theatre.

INDEPENDENCE:
 Beldorf Theatre.

KANSAS CITY:
 Midway Theatre.

LAWRENCE:
 Dickinson Theatre.
 Granada Theatre.
 Jayhawk Theatre.
 Parities Theatre.
 Varsity Theatre.

LEAVENWORTH:
 Abdallah Theatre.
 Lyceum Theatre.

MENARD:
 Ritz Theatre.

MANNATTAN:
 Marshall Theatre.
 Wareham Theatre.

PARSONS:
 Ritz Theatre.

SALINA:
 Royal Theatre.

TOPEKA:
 Civic Auditorium Theatre.

WICHITA:
 Crawford Theatre.

WINFIELD:
 Ritz Theatre.

KENTUCKY

ASHLAND:
 Capitol Theatre.
 Grand Theatre.

BELLEUE:
 Sylvia Theatre.

COVINGTON:
 Family Theatre.
 Shirley Theatre.

LOUISIANA

LAKE CHARLES:
 Palace Theatre.

MONROE:
 Seige Theatre.

NEW ORLEANS:
 Globe Theatre.
 Tudor Theatre.

SHREVEPORT:
 Ranger Theatre.

WEST MONROE:
 Happy Hour Theatre.

MAINE

PORTLAND:
 Cameo Theatre.
 Derrington Theatre.
 Keith Theatre.

MARYLAND

BALTIMORE:
 Belmond Theatre.
 Boulevard Theatre.
 Community Theatre.
 Forrest Theatre.
 Grand Theatre.
 Jay Theatrical Enterprise.
 Palace Picture House.
 Regent Theatre.
 Rivoli Theatre.
 State Theatre.
 Temple Amusement Co.

ELKTON:
 New Theatre.

MASSACHUSETTS

ATTLEBORO:
 Union Theatre.

BOSTON:
 Casino Theatre.
 Metropolitan Theatre.
 Park Theatre.
 Tremont Theatre.
 Ritz Theatre.

BRECKTON:
 Majestic Theatre.
 Modern Theatre.

CHARLESTOWN:
 Thompson Square Theatre.

FITCHBURG:
 Majestic Theatre.
 Strand Theatre.

HAVERNHILL:
 Lafayette Theatre.

HOLYOKE:
 Holyoke Theatre.

LEOMINSTER:
 Capitol Theatre.

LOWELL:
 Capitol Theatre.
 Crown Theatre.
 Gates Theatre.
 Rialto Theatre.
 Victory Theatre.

MEDFORD:
 Medford Theatre.
 Riverside Theatre.

ROXBURY:
 Liberty Theatre.

SOMERVILLE:
 Capitol Theatre.
 Somerville Theatre.

SOUTH BOSTON:
 Strand Theatre.

STOUGHTON:
 State Theatre.

MICHIGAN

BAY CITY:
 Temple Theatre.
 Washington Theatre.

DETROIT:
 Adam Theatre.
 Broadway Theatre.
 Downtown Theatre.

DOWAGIAC:
 Century Theatre.

EAST GRAND RAPIDS:
 Ramona Theatre.

GRAND HAVEN:
 Crescent Theatre.

GRAND RAPIDS:
 Rialto Theatre.
 Savoy Theatre.

LANSING:
 Garden Theatre.
 Orpheum Theatre.
 Plaza Theatre.

MT. CLEMENS:
 Bijou Theatre.
 Macomb Theatre.

NILES:
 Riviera Theatre.

SAGINAW:
 Michigan Theatre.

SAULT STE. MARIE:
 Colonial Theatre.
 Soo Theatre.
 Temple Theatre.

MINNESOTA

EVELETH:
 Regent Theatre.

HIBBING:
 Astor Theatre.

NEW ULM:
 Lyric Theatre.
 Time Theatre.

WINONA:
 Broadway Theatre.

MISSISSIPPI

GREENWOOD:
 Lyric Theatre.

JACKSON:
 Alamo Theatre.
 Booker Theatre.

LAUREL:
 Arabian Theatre.
 Jean Theatre.
 Strand Theatre.

PASCAGOULA:
 Nelson Theatre.

PASS CHRISTIAN:
 Avalon Theatre.

ST. LOUIS:
 A. and G. Theatre.

YAZOO:
 Yazoo Theatre.

MISSOURI

JOPLIN:
 Gem Theatre.

KANSAS CITY:
 Liberty Theatre.

ST. LOUIS:
 Ambassador Theatre.
 Loews State Theatre.
 Missouri Theatre.
 St. Louis Theatre.

WEBB CITY:
 Civic Theatre.

MONTANA

BILLINGS:
 Lyric Theatre.

NEBRASKA

GRAND ISLAND:
 Empress Theatre.
 Island Theatre.

KEARNEY:
 Empress Theatre.
 Kearney Opera House.

NEW HAMPSHIRE

NASHUA:
 Colonial Theatre.
 Park Theatre.

NEW JERSEY

ABURY PARK:
 Ocean Theatre.
 Paramount Theatre.

ATLANTIC CITY:
 Royal Theatre.

BELMAR:
 Rivoli Theatre.

BOUND BROOK:
 Lyric Theatre.

BUTLER:
 New Butler Theatre.

CAMDEN:
 Apollo Theatre.
 Victoria Theatre.
 Walt Whitman Theatre.

CARTERT:
 Ritz Theatre.

CLIFTON:
 Strand Theatre.

GLASSBORO:
 Roxy Theatre.

JERSEY CITY:
 Majestic Theatre.
 Transfer Theatre.

LAKEWOOD:
 Palace Theatre.
 Strand Theatre.

LITTLE FALLS:
 Oxford Theatre.

LONG BRANCH:
 Paramount Theatre.

LYNDHURST:
 Ritz Theatre.

NETCONG:
 Palace Theatre.

NEWARK:
 Court Theatre.

OCEAN CITY:
 Strand Theatre.

PASSAIC:
 Palace Theatre.
 Playhouse Theatre.
 Rialto Theatre.

PATERSON:
 Capitol Theatre.
 Plaza Theatre.
 State Theatre.

PITMAN:
 Broadway Theatre.

POMPTON LAKES:
 Pompton Lakes Theatre.

RUTHERFORD:
 Rivoli Theatre.

TOMS RIVER:
 Traco Theatre.

WESTWOOD:
 Westwood Theatre.

NEW YORK

ALBANY:
 Colonial Theatre.
 Harmonus Theatre.
 Leland Theatre.
 Royal Theatre.

AMSTERDAM:
 Orpheum Theatre.

AUBURN:
 Capitol Theatre.

BEACON:
 Beacon Theatre.
 Roosevelt Theatre.

BROOKLYN:
 Bronx Opera House.
 Nawa Roel Theatre (Bronx)
 Tremont Theatre.
 Windsor Theatre.

BROOKLYN:
 Borough Hall Theatre.
 Brooklyn Little Theatre.
 Classic Theatre.
 Galety Theatre.
 Halsey Theatre.
 Liberty Theatre.
 Mapleton Theatre.
 Parkway Theatre.
 Star Theatre.
 Werba's Brooklyn Theatre.

BUFFALO:
 Eagle Theatre.

CATSKILL:
 Community Theatre.

CORTLAND:
 Cortland Theatre.

DOLGEVILLE:
 Strand Theatre.

FALCONER:
 State Theatre.

GLENS FALLS:
 State Theatre.

HAVERSHAM:
 Capitol Theatre.

JOHNSTOWN:
 Electric Theatre.

MT. KISCO:
 Playhouse Theatre.

MT. VERNON:
 Embassy Theatre.

NEWBURGH:
 Academy of Music.

NEW YORK CITY:
 Apollo Theatre.
 Arcade Theatre.
 Beacon Theatre.
 Belmont Theatre.
 Beneson Theatre.
 Blenheim Theatre.
 Grand Opera House.
 Irving Place Theatre.
 Jay Theaters, Inc.
 Loconia Theatre.
 Olympia Theatre.
 People's Theatre (Bowery).
 Provincetown Playhouse.
 Schwartz, A. H., Century
 Circuit, Inc.
 Washington Theatre (145th
 St. and Amsterdam Ave.)
 West End Theatre.

NIAGARA FALLS:
 Hippodrome Theatre.

OLEAN:
 Palace Theatre.

OSWEGO:
 Gem Theatre.

PELHAM:
 Pelham Theatre.

POUGHKEEPSIE:
 Liberty Theatre.
 Playhouse Theatre.

SYRACUSE:
 Empire Theatre.
 Rivoli Theatre.

TROY:
 Bijou Theatre.

LONG ISLAND, N. Y.

BAYSHORE:
 Bayshore Theatre.

EASTHAMPTON:
 Easthampton Theatre.

HICKSVILLE:
 Hicksville Theatre.

HUNTINGTON:
 Huntington Theatre.

LOCUST VALLEY:
 Red Barn Theatre.

MINOLA:
 Minola Theatre.

PATCHOGUE:
 Patchogue Theatre.
 Rialto Theatre.

SAG HARBOR:
 Sag Harbor Theatre.

SEA CLIFF:
 Sea Cliff Theatre.

SOUTHAMPTON:
 Southampton Theatre.

NORTH CAROLINA

CHARLOTTE:
Charlotte Theatre.
DURHAM:
New Duke Auditorium.
Old Duke Auditorium.
HENDERSON:
Moon Theatre.
HIGH POINT:
Broadhurst Theatre.
Broadway Theatre.
Paramount Theatre.
KANAWHATA:
New Gem Theatre.
Y. M. C. A. Theatre.
WILMINGTON:
Academy of Music.
WINSTON-SALEM:
Colonial Theatre.
Hollywood Theatre.

NORTH DAKOTA

FARGO:
Princess Theatre.

OHIO

AKRON:
DeLuxe Theatre.
BELLEFONTAINE:
Court Theatre.
Strand Theatre.
COLUMBUS:
Garden Theatre.
Grandview Theatre.
Hudson Theatre.
Knickerbocker Theatre.
Southern Theatre.
Uptown Theatre.
Victor Theatre.
DAYTON:
Palace Theatre.
FREMONT:
Fremont Opera House.
Paramount Theatre.
LIMA:
Faurot Theatre.
Lyric Theatre.
Majestic Theatre.
Rialto Theatre.
MARIETTA:
Hippodrome Theatre.
Putnam Theatre.
MARION:
Ohio Theatre.
State Theatre.
MARTINS FERRY:
Elzane Theatre.
Fenray Theatre.
PIQUA:
State Theatre.
SHELBY:
Castamba Theatre.
Opera House.
URBANA:
Clifford Theatre.
Lyric Theatre.
WASHINGTON COURT HOUSE:
Fayette Theatre.

OKLAHOMA

BLACKWELL:
Bays Theatre.
Midwest Theatre.
Palace Theatre.
Rivoli Theatre.
CHICKASHA:
Ritz Theatre.
ENID:
Aztec Theatre.
Criterion Theatre.
New Mecca Theatre.
OKMULGEE:
Inca Theatre.
Orpheum Theatre.
Yale Theatre.
PICHER:
Winter Garden Theatre.
SHAWNEE:
Odeon Theatre.

OREGON

EUGENE:
State Theatre.
MEDFORD:
Holly Theatre.
Hunt's Criterion Theatre.
PORTLAND:
Broadway Theatre.
Moreland Theatre.
Oriental Theatre.
Playhouse Theatre.
Studio Theatre.
Venetian Theatre.

PENNSYLVANIA

ALLENTOWN:
Lindy Theatre.
Southern Theatre.
CALIFORNIA:
Lyric Theatre.
ERIE:
Colonial Theatre.
HARTLETON:
Capitol Theatre. Bud Irwin, Manager.
JESSUP:
Favinas Theatre.
LEBANON:
Auditorium Theatre.
Capitol Theatre.
Colonial Theatre.
Jackson Theatre.
LEWISTOWN:
Rialto Theatre.
MONONGAHELA:
Anton Theatre.
Bentley Theatre.
PALMERTON:
Colonial Theatre.
Palm Theatre.
PECKVILLE:
Favinas Theatre.
PHILADELPHIA:
Apollo Theatre.
Casino Theatre.

Fernrock Theatre.
Gibson Theatre.
Pearl Theatre.
South Broad Street Theatre
Standard Theatre.
PITTSBURGH:
Pittsburgh Playhouse.
READING:
Berman, Low, United Chain
Theatres, Inc.
SOUTH BROWNSVILLE:
Elson Theatre.
WAYNESBURG:
Waynesburg Opera House.
YORK:
York Theatre.

RHODE ISLAND

EAST PROVIDENCE:
Hollywood Theatre.
PAWTUCKET:
Strand Theatre.
PROVIDENCE:
Bomes Liberty Theatre.
Capitol Theatre.
Hope Theatre.
Liberty Theatre.
Uptown Theatre.

SOUTH CAROLINA

COLUMBIA:
Royal Theatre.
Town Theatre.

SOUTH DAKOTA

MITCHELL:
New Roxy Theatre.

TENNESSEE

ELIZABETHTON:
Bonny Kate Theatre.
FOUNTAIN CITY:
Palace Theatre.
JOHNSON CITY:
Criterion Theatre.
Liberty Theatre.
Majestic Theatre.
Tennessee Theatre.
KNOXVILLE:
Bijou Theatre.
MARYVILLE:
Capitol Theatre.
Palace Theatre.
MEMPHIS:
Princess Theatre.
Susore Theatre, 869 Jack-
son Ave.
Susore Theatre, 279 North
Main St.

TEXAS

ABILENE:
Ritz Theatre.
BROWNVILLE:
Capitol Theatre.
Dittman Theatre.
Dreamland Theatre.
Queen Theatre.
BROWNWOOD:
Queen Theatre.
BURKSURBETT:
Palace Theatre.
EDINBURGH:
Valley Theatre.
FORT WORTH:
Little Theatre.
Pearl Theatre.
GALVESTON:
Dixie No. 3 Theatre.
GREENVILLE:
Gem Theatre.
LA FERIA:
Bijou Theatre.
LONGVIEW:
Liberty Theatre.
LUBBOCK:
Lindsey Theatre.
Lyric Theatre.
Palace Theatre.
Rex Theatre.
LUFKIN:
Texan Theatre.
MEXIA:
American Theatre.
MISSION:
Mission Theatre.
PHARR:
Texas Theatre.
PLAINVIEW:
Fair Theatre.
PORT NECHES:
Lyric Theatre.
RAYMONDVILLE:
Ramon Theatre.

UTAH

LOGAN:
Capitol Theatre.
Lyric Theatre.
PROVO:
Crest Theatre.

VIRGINIA

LYNCHBURG:
Belvedere Theatre.
Gayety Theatre.

NORFOLK:
Arcade Theatre.
Manhattan Theatre.
ROANOKE:
American Theatre.
Park Theatre.
Rialto Theatre.
Roanoke Theatre.
Strand Theatre.
WINCHESTER:
New Palace Theatre.

WASHINGTON

TACOMA:
Riviera Theatre.
Roxy Theatre.

WEST VIRGINIA

CHARLESTON:
Capitol Theatre.
Kearse Theatre.
CLARKSBURG:
Opera House.
Robinson Grand Theatre.
FAIRMONT:
Nelson Theatre.
GRUNDY:
Lynwood Theatre.
HOLIDAYSCOVE:
Lincoln Theatre.
Strand Theatre.
MUNTINGTON:
Palace Theatre.
NEW GUMBERLAND:
Manos Theatre.
WEIROT:
Manos Theatre.
State Theatre.
WILLSBURG:
Palace Theatre.
Strand Theatre.

WISCONSIN

ANTIGO:
Home Theatre.
CHIPPewa FALLS:
Loop Theatre.
Rivoli Theatre.
MENASHA:
Orpheum Theatre.
MERRILL:
Cosmo Theatre.
WAUSAU:
Ritz Theatre.
DISTRICT OF COLUMBIA
WASHINGTON:
Rialto Theatre.
Universal Chain Theatrical
Enterprises.
Wardman Park Theatre.

CANADA

ALBERTA
LETHBRIDGE:
Empress Theatre.
MANITOBA
WINNIPEG:
Beacon Theatre.
Bijou Theatre.
Dominion Theatre.
Garrick Theatre.
Orpheum Theatre.
Province Theatre.
Rialto Theatre.
ONTARIO
HAMILTON:
Granada Theatre.
Lyric Theatre.
NIAGARA FALLS:
Webb Theatre.
OTAWA:
Center Theatre.
Little Theatre.
Rideau Theatre.
PETERBOROUGH:
Regent Theatre.
ST. CATHARINES:
Granada Theatre.
ST. THOMAS:
Granada Theatre.
TORONTO:
Arcadian Theatre.
Capitol Theatre.
Century Theatre.
Cum Bac Theatre.
Granada Theatre.
Hart House (Theatre in
connection with the Uni-
versity of Toronto).

QUEBEC

NULL:
Laurier Theatre.
MONTREAL:
Capitol Theatre.
Imperial Theatre.
Palace Theatre.
Princess Theatre.
Stella Theatre.
QUEBEC:
Cartier Theatre.
Imperial Theatre.
Princess Theatre.
Victoria Theatre.
SHERBROOKE:
Granada Theatre.
His Majesty's Theatre.
SASKATCHEWAN
REGINA:
Broadway Theatre.
Grand Theatre.
SASKATOON:
Capitol Theatre.
Daylight Theatre.

FIFE AND DRUM CORPS

Drum and Bugle Corps.
Walter R. Craig Post of
the American Legion, Rock-
ford, Ill.
Perth Amboy Post 45, Amer-
ican Legion Fife, Drum
and Bugle Corps. Perth
Amboy, N. J.

AT LIBERTY

AT LIBERTY—Pianist for dance music, nine years' experience; fake, transpose, swing, accompany; single, sober and serious; Union. Seward M. Johnson, 108 Hill St., Savannah, Ill.

AT LIBERTY—Young woman pianist, accompanist, organist and singer, would like to make contact with ladies' orchestra for summer; experience in general. Margaret A. Murray, Newburn and Dan Drive, Mt. Lebanon, Pittsburgh, Pa.

AT LIBERTY—For summer. Trombone player; college man, single, neat, reliable, sober; will travel, but prefers to locate in vicinity of Philadelphia or at summer resort; read anything; wide experience in dance work. Dick Ellenberger, 290 Green Ave., Lansdowne, Pa.

AT LIBERTY—String Bass player; college man, neat, sober; single; will travel or locate; wide experience in dance and concert work. Tom McCartan, 107 Carey Ave., Wilkes-Barre, Pa.

AT LIBERTY—Vocalist, doubling Tenor, Baritone Sax and Clarinet; college man, neat, sober, reliable, single; can read and jam; will travel or locate; wide experience in dance work. Jack Rowe, 52 South Market St., Nanticoke, Pa.

AT LIBERTY—Trombone, experienced second trombonist on large, fast band; consider old or new time reliable unit; single, age 27, sober; new horn; don't misrepresent. Willis Clark, 108 East Church, Marshalltown, Iowa.

FOR SALE OR EXCHANGE

FOR SALE—J. Schmidt Double French Horn, Brass, German Silver trim, \$385.00; sell for \$115.00; also J. Schmidt Single Horn, \$95.00. L. F. Gatz, 63 West Long St., Columbus, Ohio.

FOR SALE—Baritone Saxophone, Beuscher Aristocrat, gold lacquered brass, including case and stand, in perfect condition, \$100.00 cash. William H. Paul, 6116 Rogers Ave., Merchantville, N. J.

FOR SALE—Accordion, Excelsior Concert Grand, 120 bass, six voices, Ebony and Chrome, perfectly tuned reeds, new straps, beautiful case, excellent condition, guaranteed, price \$375.00; original cost, \$750.00. Mark Zimmerman, 1576 Leslie St., Hillside, N. J.

FOR SALE—M. M. Monig, Silver L. P. Open G sharp, Alto Flute in splendid condition, for \$100.00. L. F. Fritze, 4223 Delaney St., Cincinnati, Ohio.

FOR SALE—One set of Ledy Chimes and Deagan Tympani, used only a few times, good as new; will sacrifice. Abe Vaught, 60 North Main St., Washington, Pa.

FOR SALE—Band concert library, best overtures, selections, waltzes, marches, for standard concert band; little used; value \$800.00, price \$150.00; write for catalog. John A. Purger, 356 Cleveland Ave., Columbus, Ohio.

FOR SALE—Bargain for quick buyer, Double Bass Violin and Bow, flat back, in good order; can give references in regards to Double Bass, photograph and measurements. If interested write to L. R. McAllister, Woodstock, Va., Shenandoah Co.

FOR SALE—Silver-plated Soprano Saxophone, first-class condition, overhauled, as good as new for \$18.00; Italian Double Bass, three-quarter size, carved back, first-class condition, high class, \$250.00. Modauo, 150 Park Row, New York, N. Y.

FOR SALE—Double Tuba, F and B flat (made by Carl Lehman, Hamburg, Germany); also Holton Tuba, B flat (Recording and Upright); trunks go with both instruments; Tubas are in excellent condition. Mrs. B. Spiller, 4023 Parker Ave., St. Louis, Mo.

FOR SALE—A few very fine old Violins, also Cellos at greatly reduced prices or will trade for a late model sedan; write or call for further information. Sol Pfeiffer, 2102 Regent Place, Brooklyn, N. Y. BUckminster 2-5000.

FOR SALE—Buffet Bb Clarinet, wood, Boehm System, plush lined case, new, used one week; \$52.00 for quick sale; do not class this as a cheap instrument; three days' trial. C. Pollen, 51 Sterling Ave., Yonkers, N. Y.

FOR SALE—Bass Clarinet, Boehm System, "Bettoney" and case; excellent tone; perfect; will sacrifice for \$80.00; hurry; trial given. J. Hamberger, 1895 Morris Ave., Bronx, New York, N. Y.

FOR SALE—Conn French Horn (Double), silver-plated, including excellent case; fine tone and condition, no dents; first \$70.00 will buy it; will give trial. I. Dansig, 16 East 177th St., Bronx, New York, N. Y.

FOR SALE—Gibson Guitar, L-5, good condition, regular or Hawaiian, plush lined case; cost \$300.00, sacrifice for \$120.00. Hilda-garde Ondrachek, Box 75, New Ulm, Minn.

FOR SALE—BBb Sousaphone, York make (large bore), silver-plated, 24" bell; excellent condition and fine tone; cost new, \$250.00, will sell for \$135.00 and give trial. B. Perma, 180 West Allegheny Ave., Philadelphia, Pa.

FOR SALE—Christensen "C" Flute, solid silver, gold springs case, \$68.00; also Wm. S. Hayes Db Piccolo, solid silver, case, \$50.00; both instruments are perfect; will send either on trial. R. Koshland, 363 South 58th St., Philadelphia, Pa.

FOR SALE—King, BBb Bass Horn, upright, side action, excellent condition and tone, gold lacquered, \$60.00; like new; do not delay; trial. R. Shatten, 6211 Chestnut St., Philadelphia, Pa.

FOR SALE—Eb Sousaphone (Holton make), medium bore, four valves, perfect silver plating, 24" bell; like new and real bargain at \$195.00; will ship subject to trial. A. Stine, 934 McDade Blvd., Collingsdale, Pa.

PHILADELPHIA BOASTS UNUSUAL ORGANIZATION

The American Society of Ancient Instruments, Founded and Directed by Ben Stad.

Local No. 77, A. F. of M., Philadelphia, Pa., boasts of one of the most unusual organizations in the entire world—an ensemble of musicians playing ancient music on ancient instruments. In fact, there is believed to be only three such bona fide organizations anywhere—Casadesus of France, Dolmetsch of England, and Ben Stad of America.

It is of Ben Stad, violinist and protégé of the Queen of Holland, and his talented family, whom we speak of now. Well known as a violinist and conductor in his own right, he founded the American Society of Ancient Instruments about ten years ago as the result of a passionate hobby for old viols and the ancient music therewith. The members of the ensemble belonging to Local No. 77 are: Ben Stad, Viols d'amour; his son, Maurice Stad, Basse de Viols; his wife, Madame Stad, harpsichord; her brother, Josef Smit, Viols da Gamba; and a close friend of the family, Jo Brodo, Pardessus de Viols.

The society has performed in many beautiful settings, famous homes, noted gardens, universities, museums, etc. One of their achievements was to assist in the dedication of the Folger Shakespeare Library, which was attended by President Hoover and his official family.

Lovers of ancient music who are not fortunate to live within traveling distance of Philadelphia can hear this group through the medium of Victor Red Seal records.

The May issue of "Hobbies," a magazine for collectors, contains an interesting account of the history of the society, with photographs of the players and their instruments.

Ben Stad's latest affiliation is with the School of Fine Arts of the University of Pennsylvania, one of America's oldest and famous colleges, for the purpose of restoring the museum's noted collection of old instruments.

A \$500.00 prize is now being offered for the best composition for ancient instruments by an American composer. Many famous composers are now at work on this contest, for besides the cash value of the award, the winning composition will be played at the next annual festival. Eugene Ormandy, conductor of the Philadelphia Symphony Orchestra, is chairman of the board of judges. Details regarding this competition can be had by addressing the American Society of Ancient Instruments, Ben Stad, founder and director, 44th and Chestnut Streets, in Philadelphia, Pa.

The organization has just completed a successful two-day festival at the University of Pennsylvania Museum in Philadelphia, assisted by the Mary Binney Montgomery Dancers and well-known singers and instrumentalists.

Ben Stad is a real asset to the American Federation of Musicians. Heretofore he has helped hundreds of musicians, giving instructions, counsel, and providing employment. Now he is advancing the popularity of his adopted city, Philadelphia, by doing something out of the ordinary—the development of a love for old instruments from a hobby into a world-renowned ensemble, the American Society of Ancient Instruments.

A. M. WEIL.

FOR SALE—Trombone, King, silver-plated, 7" gold bell, perfect slide; instrument used new, \$45.00 with case; will send on trial. J. Lamb, 2979 Franklin Ave., Philadelphia, Pa.

FOR SALE—Viola: first-class solo, quartette or orchestra instrument; large, beautiful tone on all strings, especially C and G strings. C. F. S., 213 North Ninth St., Reading, Pa.

FOR SALE—Baritone Saxophone, Conn, silver-plated, gold bell (up to high F), practically new; fine tone and intonation; sacrifice at \$75.00 with case; will allow trial. G. Seache, West Ave., Route No. 4, North Vineland, N. J.

FOR SALE—Bass Clarinet (Bettoney, Boehm System), completely overhauled and perfect condition; will sacrifice for \$65.00 including case; send with trial privileges. F. Balce, 346 Lawn Ave., Sellersville, Pa.

WANTED

WANTED—Lyon & Healy Harp; will pay cash. Address K. Atli, 1030 Bush St., San Francisco, Calif.

WANTED—For the State Hospital at Greystone Park, N. J., a good Alto Sax player

who doubles on Clarinet; applicants must be United States citizens and residents of New Jersey; ward duty is expected; salary is \$55.00 per month with room, board and laundry. Address, Otto Novak, Orchestra Leader, Greystone Park, N. J.

WANTED—Bass Viol, three-quarter full back; must be cheap with cover and bag; also Tenor Sax in A-1 condition. Musical Instrument Exchange, 314 First Ave., South, Great Falls, Mont.

Union Signs Up Rockefeller Center

NEW YORK, N. Y.— The executives of the Building and Construction Trades Council, affiliated with the American Federation of Labor, and the management of Rockefeller Center signed a three-year agreement covering wages and working conditions for 1,098 maintenance and operations men. Arbitration of disputes is provided for, thus barring both strikes and lockouts.

The agreement was signed in behalf of 15 craft unions affiliated with the Building and Construction Trades Council, including unions of elevator operators, electricians, operating engineers, and all other workers who service the 11 buildings in Rockefeller Center. Thomas A. Murray, head of the Council, said the contract marked the first time the American Federation of Labor had signed one agreement to cover so many craft unions.

Report of the Treasurer . .

FINE PAID DURING MAY, 1938

Table of names and payment amounts for May 1938, starting with Alway, Thos. H. \$ 5.00 and ending with Payne, Dudley 5.00.

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New comfortable thumb-book.

New lay on "palm keys."

New "table keys" for little finger of left hand, with roller from Bb to B.

New Connquor Tenor 30M with Permadjust Action

New CLARINETS

New 17 key, 7 ring, Clarinet 464N
New Alto Clarinet 442N*
New Bass Clarinet 452N*

*Both with faster, more positive register mechanism.

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New Flutes—20-0, 30-0



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Table of names and payment amounts for May 1938, starting with Pastura, Raymond 10.00 and ending with Weaver, Joe 5.00.

Table of names and payment amounts for May 1938, starting with Wilson, Donald 10.00 and ending with Katz, George C. 10.00.

Table of names and payment amounts for May 1938, starting with Lown, Bert 10.00 and ending with Zielinski, Vincent 42.00.

\$2,253.99

Respectfully submitted,
H. E. BRENTON,
Financial Secretary-Treasurer.

